

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

FILING DETAILS

Case No: 004/07-09-2009-ECCC/OCIJ **Party Filing:** International Co-Prosecutor

Filed to: Co-Investigating Judges **Original Language:** English

Date of Document: 21 September 2015

CLASSIFICATION

**Classification of the document
suggested by the filing party:** CONFIDENTIAL

Classification by OCIJ: សម្ងាត់/Confidential

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**SUBMISSION ON WHETHER IM CHAEM SHOULD BE CONSIDERED A
“SENIOR LEADER” OR AMONG “THOSE WHO WERE MOST RESPONSIBLE”
FOR THE CRIMES COMMITTED IN DEMOCRATIC KAMPUCHEA**

Filed by:

**International
Co-Prosecutor**
Nicholas KOUMJIAN

Distributed to:

Co-Investigating Judges
Judge YOU Bungleng
Judge Michael BOHLANDER

Co-Lawyers for AO An
MOM Luch
Göran SLUITER
Richard ROGERS

Copied to:

National Co-Prosecutor
CHEA Leang

**All Civil Party Lawyers
in Case 004**

Co-Lawyers for IM Chaem
BIT Seanglim
John R.W.D. Jones QC

I. INTRODUCTION

1. The International Co-Prosecutor (“ICP”) hereby responds to the order of the Co-Investigating Judges (“CIJs”) inviting the parties to submit observations on whether the CIJs should consider Im Chaem a “senior leader” or among “those who were most responsible for the crimes ... that were committed during the period from 17 April 1975 to 6 January 1979.”¹

II. APPLICABLE LAW

2. Both the ECCC Agreement² and Law³ provide that the purpose of establishing this Court is to “bring to trial senior leaders of Democratic Kampuchea and those who were most responsible” for the crimes committed from 17 April 1975 to 6 January 1979. Article 2 of the ECCC Law provides that the personal jurisdiction of the ECCC extends to “senior leaders” and those “most responsible” for crimes committed during this period.⁴ In *Duch*, the Supreme Court Chamber (SCC) found that determination of whether an accused was a “senior leader” or among “those most responsible” was a non-justiciable issue which was solely within the discretion⁵ of the Co-Prosecutors and Co-Investigating Judges:

The terms “senior leaders” and “most responsible” are not jurisdictional requirements of the ECCC, but operate exclusively as investigatorial and prosecutorial policy to guide the independent discretion of the Co-Investigating Judges and Co-Prosecutors as to how best to target their finite resources in order to achieve the purpose behind the establishment of the ECCC.⁶

3. The terms “senior leaders” and “most responsible” are not further defined in either the ECCC Law or Agreement. Articles 31 to 33 of the Vienna Convention on the Law of

¹ **D251** Request for Submissions on Whether Im Chaem Should Be Considered a ‘Senior Leader’ or Among ‘Those Who Were Most Responsible,’ 24 July 2015 (“Request”).

² Agreement Between The United Nations And The Royal Government Of Cambodia Concerning The Prosecution Under Cambodian Law Of Crimes Committed During The Period Of Democratic Kampuchea, 6 June 2003, art. 1 (hereafter the “Agreement”).

³ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004, art. 1 (“ECCC Law”).

⁴ ECCC Law, art. 2.

⁵ **F28** Duch Appeal Judgment, 3 February 2012, at para. 74 [“the term ‘most responsible’ constitutes investigatorial and prosecutorial policy which guides the Co-Investigating Judges and Co-Prosecutors in exercising their independent discretion in investigating and prosecuting the most serious offenders falling within the ECCC’s jurisdiction”] and para. 80 [“In the context of the ECCC, the Trial Chamber has the power to review the discretion of the Co-Investigating Judges and the Co-Prosecutors on the ground that they allegedly exercised their discretion under Articles 5(3) and 6(3) of the UN-RGC Agreement in bad faith or according to unsound professional judgment. This power of review by the Trial Chamber is extremely narrow in scope, and would have to be exercised with full respect for the independence of the Co-Investigating Judges’ and Co-Prosecutors’ offices. Such power of review could never be exercised on the ground that the Co-Investigating Judges or Co-Prosecutors did not, in the opinion of the Trial Chamber, select a particular ‘senior leader’ or person who is ‘most responsible’”].

⁶ **F28** Appeal Judgment, 3 February 2012, at para. 79.

Treaties (“VCLT”)⁷ provide that a treaty should be interpreted in “good faith” and according to the “ordinary meaning” of its terms “in their context and in light of its object and purpose.”⁸ To interpret the meaning of treaty provisions, the VCLT rules also allow recourse to preparatory work and the circumstances of the conclusion of the treaty to clarify terms whose ordinary meaning is ambiguous or obscure.⁹

4. Based on extensive analysis of the preparatory work and negotiating history of the Agreement,¹⁰ the SCC in *Duch* found that the terms “senior leaders” and “most responsible” referred to two separate categories of Khmer Rouge officials:

One category is senior leaders of the Khmer Rouge who are among the most responsible, because a senior leader is not a suspect on the sole basis of his/her leadership position. The other category is non-senior leaders of the Khmer Rouge who are also among the most responsible.¹¹

Accordingly, if a Charged Person was a Khmer Rouge official, he or she need not be a senior leader in order to be among those most responsible.

Most Responsible

5. In determining whether a person is among those most responsible for international crimes, the ECCC and international criminal courts have adopted two criteria: the gravity of the crimes alleged against the person, and the level of responsibility of the person alleged to have committed those crimes.¹²
6. The International Criminal Tribunal for Yugoslavia (ICTY) was mandated as part of its completion strategy to focus on “the most senior leaders with the most responsibility,”¹³ whilst referring the remaining perpetrators to be prosecuted at the national level.¹⁴ In evaluating those who are most responsible, the ICTY Referral Bench considered the

⁷ Vienna Convention on the Law of Treaties, 115 U.N.T.S 331, signed 23 May 1969, entered into force 27 January 1980 23 May 1969, 115 UNTS 331 (“VCLT”).

⁸ VCLT, art. 31(1); Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 25 I.L.M 543, adopted 21 March 1986 (“VCLTIO”) art. 31(1).

⁹ VCLT, art. 31(2)(b); VCLTIO, art. 32(a).

¹⁰ **F28** Appeal Judgment, 3 February 2012, at paras 46 to 57.

¹¹ **F28** Appeal Judgment, 3 February 2012, at para. 57.

¹² **D251** Request, at para 3.

¹³ United Nations Security Council Resolution 1534, 26 March 2004, UN Doc. No. S/Res/1534, paras. 5-6; United Nations Security Council Resolution 1503, 28 August 2003, UN Doc. No. S/Res/1503, para. 7.

¹⁴ ICTY Rules of Procedure and Evidence, Rule 11*bis* [describing the process for transferring cases to competent national courts]. Rule 11*bis* references Security Council Resolution 1534 and states that the ICTY will consider the “gravity of the crimes charged” and the “level of responsibility of the accused” in deciding whether to transfer cases. *See also Prosecutor v. Dragomir Milošević*, IT-98-29/1-PT, Decision on Referral of Case Pursuant to Rule 11*bis*, 8 July 2005, at paras 1-3 (describing the transfer process) (hereafter *Milošević Referral Decision*).

“gravity of the crimes charged” and the “level of responsibility of the accused.”¹⁵ These dual principles are reflected in decisions of the Special Court of Sierra Leone,¹⁶ statements of the ICC Officer of the Prosecutor (OTP),¹⁷ and have been adopted by the ECCC Trial Chamber,¹⁸ Supreme Court Chamber¹⁹ and the Co-Investigating Judges.²⁰ The application of these two principles does not require a comparison and ranking of the responsibility of all possible perpetrators,²¹ but instead should have regard to the other cases tried by the Tribunal and the particular circumstances of the conflict.²²

7. Relevant factors to determine the gravity of offences committed include: the geographical and temporal scope of the crimes;²³ the manner in which they were committed;²⁴ the

¹⁵ *Prosecutor v Lukić*, IT-98-32/1-PT, ICTY, 5 April 2007, at para. 26 (hereafter *Lukić Referral Decision*).

¹⁶ In *Decision on the Preliminary Defence Motion on the Lack of Personal Jurisdiction Filed on Behalf of Accused Fofana*, the SCSL Appeals Chamber cited the *travaux préparatoires*; “While those “most responsible” obviously include the political or military leadership, others in command authority down the chain of command may also be regarded “most responsible” judging by the severity of the crime or its massive scale. “Most responsible”, therefore, denotes both a leadership or authority position of the accused, and a sense of the gravity, seriousness or massive scale of the crime” (*Prosecutor v. Norman, Fofana, and Kondewa* SCSL-2004-14-PT, Decision on the Preliminary Defence Motion on the Lack of Personal Jurisdiction Filed on Behalf of Accused Fofana (Trial Chamber), 3 March 2004, at para. 22).

¹⁷ ICC OTP, *Paper on some policy issues before the Office of the Prosecutor*, International Criminal Court, September 2003, p. 7[“The concept of gravity should not be exclusively attached to the act that constituted the crime but also to the degree of participation in its commission.”]

¹⁸ **E188** Case 001 Judgment (Duch), 26 July 2010, at para. 22 [analyzed as a jurisdictional requirement].

¹⁹ **F28** Duch Appeal Judgment, 3 February 2012, at para. 71 [“The criteria for such allocation, the gravity of the crimes charged and the level of responsibility of the accused, operate not as jurisdictional bars, but as prosecution policy”].

²⁰ **CF3-D48** Decision on Personal Jurisdiction and Investigative Policy Regarding Suspect Meas Mut, 2 May 2012, at paras 15-16; **CF3-D49** Decision on Personal Jurisdiction and Investigative Policy Regarding Suspect Sou Met, 2 May 2012, at paras 15-16.

²¹ **F28** Duch Appeal Judgment, 3 February 2012, at para. 62 [“First, there is no objective method for the Trial Chamber to decide on, compare, and then rank the criminal responsibility of all Khmer Rouge officials. Second, the notion of comparative criminal responsibility is inconsistent with Article 29 of the ECCC Law, which states, “[t]he position or rank of any Suspect shall not relieve such person of criminal responsibility or mitigate punishment...this would amount to indirectly permitting defence of superior orders and would frustrate the express provisions of the ECCC law”].

²² *Prosecutor v. Ademi and Norac*, IT-04-78-PT, Decision on Referral of Case Pursuant to Rule 11bis, 14 September 2005 (hereafter *Ademi Referral Decision*) at para. 28 [“Whether or not the gravity of these particular crimes is so serious as to demand trial before the Tribunal, however, depends on the circumstances and context in which the crimes were committed and must also be viewed in the context of the other cases tried by this Tribunal”].

²³ *Prosecutor v. Janković*, IT-96-23/2-AR11bis.2, Decision on Referral of Case Pursuant to Rule 11bis, 15 November 2005, (hereafter *Jankovic Referral Decision*) at para. 19; *Ademi Referral Decision* at para. 28; *Prosecutor v. Ljubičić*, IT-00-41-PT, Decision on Referral of Case Pursuant to Rule 11bis, 12 April 2006 (hereafter *Ljubičić Referral Decision*) at para. 18; *Prosecutor v. Kovačević*, IT-01-42/2-I, Decision on Referral of Case Pursuant to Rule 11bis, 17 November 2006, (hereafter *Kovačević Referral Decision*) at para. 20; *Lukić Referral Decision* at para. 27; *Prosecutor v. Mitar Rašević and Savo Todović*, IT-97-25/1-AR11bis, Decision on Appeals Against Decisions on Referral Under Rule 11 bis, 4 September 2006 (hereafter *Rašević and Todović Appeal Decision*) paras 13 and 16.

²⁴ *Lukić Referral Decision* at para. 27 [“When determining the gravity of the crimes... The Bench may also consider in how many separate incidents an accused is charged, and the way in which the criminal conduct was allegedly realised. It may also consider other circumstances of the alleged crime.”].

number of incidents;²⁵ and the number of victims.²⁶ Assessing these factors should not be a rigid mathematical exercise, but requires a nuanced cumulative analysis.²⁷

8. Relevant factors to determine the level of responsibility of the person alleged to have committed the crimes include: the level of participation in the crimes charged;²⁸ the hierarchical rank or position of the accused,²⁹ including the number of subordinates and echelons above;³⁰ the effective authority³¹ and ability to give orders;³² the temporal scope of their control;³³ the authority to negotiate, sign or implement agreements;³⁴ their actual knowledge of crimes, and whether those in more senior ranks have already been convicted.³⁵

²⁵ *Ibid.*

²⁶ *Janković Referral Decision* at para. 19; *Kovačević Referral Decision* at paras. 12, 20; *Lukić Referral Decision* at para. 27 and 29; *Prosecutor v. Mitar Rašević and Savo Todović*, IT-97-25/1-PT, 8 July 2005, Decision on Referral of Case Pursuant to Rule 11bis (Referral Bench), para. 23 ; *Rašević and Todović Appeal Decision* at para. 25 [“ The Appeals Chamber disagrees with the Appellant's assertion that the Referral Bench failed to take into account the number of persons allegedly affected by the crimes charged against him...when assessing the gravity of the crimes charged against the Appellant and his level of responsibility...”].

²⁷ *See Prosecutor v. Ntaganda*, ICC-01/04-169, 13 July 2006, Decision on the Prosecutor's Application for Warrants of Arrest, Article 58 (Appeals Chamber) at para. 76 [“the particular role of a person or, for that matter, an organization, may vary considerably depending on the circumstances of the case and should not be exclusively assessed or predetermined on excessively formalistic grounds”].

²⁸ *Ademi Referral Decision* at para. 29 [“the level of responsibility should be interpreted so as to include both the *military rank* of the Accused and their *actual role* in the commission of the crimes.”]; *Lukić Referral Decision* at para. 28.

²⁹ *Ademi Referral Decision* at para. 29 [“the level of responsibility should be interpreted so as to include both the *military rank* of the Accused and their *actual role* in the commission of the crimes.”]; *Kovačević* at para. 20; *Milošević Referral Decision* at para. 23 [“In evaluating the position of Dragomir Milošević, the Referral Bench notes in particular that he was the permanent, as opposed to an *ad hoc* or acting, commander...”]; *Lukić Referral Decision* at para. 28 [“The level of responsibility of an accused relates both to the role of the accused in the commission of the alleged offences and to the position and rank of the accused in the civil, political or military hierarchy, based on his *de facto* or *de jure* authority.”]

³⁰ *Milošević Referral Decision* at para. 23.

³¹ *Lukić Referral Decision* at para. 29 [“The level of responsibility of an accused relates both to the role of the accused in the commission of the alleged offences and to the position and rank of the accused in the civil, political or military hierarchy, based on his *de facto* or *de jure* authority. ...A person holding a high rank or position may have the authority to orchestrate the actions of other people: because he may inflict more damage than he would be able to inflict absent such a rank or position, he therefore bears a higher level of responsibility.”]; *Ademi Referral Decision* at para. 29.

³² *Ademi Referral Decision* at para. 29.

³³ *Milošević Referral Decision* at para. 23 [“In evaluating the position of Dragomir Milošević, the Referral Bench notes in particular that he was the permanent, as opposed to an *ad hoc* or acting, commander of the SRK over a prolonged period exceeding a year and that there was only one echelon of military commanders, i.e. the highest military command, above him...”].

³⁴ *Milošević Referral Decision* at para. 23 [“It is the case against Dragomir Milošević that he negotiated, signed and implemented anti- sniping and local cease-fire agreements, participated in negotiations relating to heavy weapons, and controlled access of UNPROFOR to territory around Sarajevo.”].

³⁵ *Kovačević Referral Decision* at para. 20 [“Two other individuals, each more senior in military rank than the Accused, have already been convicted for their role in the attack on Dubrovnik. The Referral Bench does not therefore find a sufficient basis for characterising the Accused as a "most senior leader" as envisioned by the completion strategy.”].

Senior Leaders

9. In regards to the term “senior leaders of Democratic Kampuchea,” the legislative history of the ECCC and international jurisprudence establish that the term is not limited to members of the CPK Standing Committee,³⁶ or the “architects of an overall policy.”³⁷ However, it is the ICP’s view that the plain meaning of the term indicates that it encompasses a limited group of individuals at the highest levels of the political and military hierarchy of the CPK and DK regime.

III. FACTUAL SUBMISSIONS RELATING TO IM CHAEM

A. Background & Positions During DK Regime

10. Im Chaem was born in Kbal O village, Cheang Torng commune, Tram Kak District, Takeo Province around 1943-44.³⁸ Tram Kak District was the home of Ta Mok and one of the core bases of the Khmer Rouge movement.³⁹ In 1964, Im Chaem married Nop Nhen, who was also from Kbal O village.⁴⁰ As detailed below, her husband also went on to hold key positions of responsibility during the DK regime.
11. Im Chaem states that she joined the Khmer Rouge in 1970, after her brother who worked as a messenger for Ta Mok was arrested and killed by Lon Nol soldiers.⁴¹ She held various positions and responsibilities during the 1970-75 war. In 1971, she was placed in charge of Cheang Torng commune, Tram Kak District.⁴² In 1972 or 1973, she was placed

³⁶ **F28** Duch Appeal Judgment, 3 February 2012, paras. 76-77 citing *The First Session of the Third Term of the Cambodian National Assembly*, October 4-5 2004, p. 23 [statement of H.E. Sok An: “Considering senior leaders, we refer to no more than 10 people, but we don’t specify that they be members of the Standing Committee. This is the task of the Co-Prosecutors”]; **E188** Case 001 Judgment (Duch), para. 19 citing Group of Experts Report at para. 109 [“the Group does not believe that the term ‘leaders’ should be equated with all persons at the senior levels of Government of DK or even of the CPK”].

³⁷ *Milošević Referral Decision* at para. 22 [“The Referral Bench does not consider, however, that the phrase ‘most senior leaders’ used by the Security Council is restricted to individuals who are ‘architects’ of an ‘overall policy’ which forms the basis of alleged crimes...this would diminish the true level of responsibility of many commanders in the field and those at staff level”]; *Lukić Referral Decision* at para. 28 [“The notion ‘most senior leaders’ is, however, not limited to the architects of an overall policy forming the basis of the alleged crimes”].

³⁸ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951787-89; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951825.

³⁹ **CF2-E1/23.1** Nuon Chea Trial Testimony, 15 December 2011, at 11.56.30 [identifying Tram Kak as one of 2 core Party branches]; **D6.1.542** Revolutionary Flag, June 1977, at ENG 00446848-52 [recognizing Tram Kak as one of three model districts in DK]; **D1.3.10.7** Henri Locard Report on Tram Kak District, at ENG 00217690 [describing Tram Kak as “archetype of the Democratic Kampuchean society”].

⁴⁰ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089783, 00089785; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951787, 00951790.

⁴¹ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951834-37; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951791.

⁴² **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951793; **D1.3.12.1** Im Chaem Interview (by John Iverson), 26 April 2007, at ENG 00217515 [stating that she was Cheang Torng commune chief for 2 years in the early 1970s]; **D118/242** Khoem Boeun OCIJ Statement, at A80 [Im Chaem “arranged the women’s mutual work exchanges in the village and in Cheang Tong Commune”].

in charge of a female military unit of 400 to 500 women, whom she educated and trained at Damrei Romiel mountain.⁴³ In 1974, when Angkor Chey District was liberated by the Khmer Rouge, she was assigned by Ta Mok to organize and “supervise the people in that district.”⁴⁴ Her husband Nhen would later become the Secretary of the District.⁴⁵

12. A relative of Im Chaem from her same village served as a commune chief in Tram Kak District and attended Sector-level meetings. She has testified that Im Chaem was responsible for women’s affairs in Sector 13 from 1973 to 1977, and thus was a “senior-ranking person” who “supervised all female cadres in the Sector.”⁴⁶ In that position, Im Chaem had responsibilities across all five districts of Sector 13: Tram Kak (105), Angkor Chey (106), Treang (107), Koh Andet (108) and Kiri Vong (109).⁴⁷ The Sector 13 Women’s Office, known as Office 150, was originally located near Damrei Romiel Mountain and later moved to Takeo provincial town.⁴⁸

⁴³ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951794-95; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951838-40 [also noting her husband was in charge of a male military unit during that same period]; **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217520.

⁴⁴ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951841-42 [stating that she stayed in Angkor Chey for 2 years, then moved to Koh Andet]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951795 [stating she was assigned to organize the people in Angkor Chey & Koh Andet, and was “in charge of all the women”]; **D219/37** Suon Mot OCIJ Statement, at A16; **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056790 [Chaem and Nhen came to govern Angkor Chey district in 1973, with Chaem having responsibility at Sector level]; **D118/259** Pech Chim OCIJ Statement, at A43; **D118/209** Ul Hoeun OCIJ Statement, at A128-A130; **D119/70/4** Ul Hoeun DC-Cam Statement, at ENG 01050190 [“Angkor Chey district was governed by Yeay Chaem-Ta Nhen”]; **D119/84** Moeng Vet OCIJ Statement, at A12-A13 [Chaem lived and worked across from Wat Angk Tep in Angkor Chey in 1975].

⁴⁵ **D119/84** Moeng Vet OCIJ Statement, at A1; **D119/156** Chhoeng Choeun OCIJ Statement, at A12 [identifying Nhen as Angkor Chey District Com after 1975]; **D118/274** Bun Thoeun OCIJ Statement, at A45, A90-A92; **D118/259** Pech Chim OCIJ Statement, at A40; **D119/13** Cheam Chreav OCIJ Statement, at A4-A8; **D219/37** Suon Mot OCIJ Statement, at A11, A16; **D119/15** Sao Van OCIJ Statement, at A12; **D119/11** Phai Oeuk OCIJ Statement, at A5; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951846 [stating that her husband stayed in Angkor Chey to help supervise that district, and later was assigned to Takeo provincial town].

⁴⁶ **D118/242** Khoem Boeun OCIJ Statement, at A1-A2, A73-A77 [“Yeay Chaem used to speak during the meetings at the Sector 13 Office, and she announced her position”], A79 [“I knew that Yeay Chaem had been a women’s supervisor in the village; then because she had done her work well, she was promoted to the Sector straightaway”], A105-A110. *See also* **D119/83** Moeng Vet OCIJ Statement, at A17-A19 [testimony of Sector 13 cadre who grew up 50 metres from Im Chaem’s house]; **D119/84** Moeng Vet OCIJ Statement, at A19-A20, A29-A30 [Im Chaem supervised “thousands” of female cadres from the five districts of Sector 13]; **D118/274** Bun Thoeun OCIJ Statement, at A28 [Southwest Zone commune chief identifies Chaem as “Chairwoman of the Sector 13 Female Association”]; **D118/259** Pech Chim OCIJ Statement, at A40-A45; **D119/15** Sao Van OCIJ Statement, at A12; **D119/82** Neang Ouch OCIJ Statement, at A41, A49; **D119/108** Sok Rum OCIJ Statement, at A45-A49 [stating that Chaem was on the Sector 13 Committee and held meetings with female cadres in Koh Andet in 1976].

⁴⁷ **D119/156** Chhoeng Choeun OCIJ Statement, at A15-A17 [former CPK village chief who attended meetings called by Im Chaem states that she “worked in various districts in the Sector,” including Districts 105, 106 & 109]; **D118/259** Pech Chim OCIJ Statement, at A40, A43 [statement of former Tram Kak District Secretary that Chaem “went to work in all the districts in Sector 13”]; **D119/82** Neang Ouch OCIJ Statement, at A43-46 [Chaem came from Sector and called Koh Andet district women to meetings].

⁴⁸ **D118/242** Khoem Boeun OCIJ Statement, at A107-A108 [witness “frequently met” and talked to Im

13. In 1976, Im Chaem was assigned by Pol Pot and Ta Mok to move to Koh Andet and appointed Secretary of that District.⁴⁹ She has said that she was given that position because the previous district committee was frequently in conflict, and Pol Pot and Ta Mok believed she could “fulfill the plan.”⁵⁰ Her deputy in Koh Andet was Neang Ouch *alias* Ta San, the brother-in-law of Ta Mok who would later become the Secretary of Tram Kak District.⁵¹ In March 1976, Im Chaem was appointed a Southwest representative in the DK People’s Representative Assembly.⁵²
14. Im Chaem states that, after one year in Koh Andet, she was transferred by Ta Mok to Takeo provincial town, the location of the Sector 13 and Southwest Zone offices,⁵³ and stayed there for less than six months.⁵⁴ She admits she was a Sector Member, and that she received her “promotion” to the Sector 13 Committee when Secretary Saom became ill.⁵⁵ During the period she served at the Sector office in Takeo, she retained responsibility for Koh Andet District.⁵⁶ As a District Secretary and Sector Committee Member in the Southwest Zone, Im Chaem had regular communications and meetings with Zone Secretary Ta Mok, a full-rights member of the CPK Standing Committee.⁵⁷ She attended

Chaem in their hometown, the Sector Office in Takeo or the Sector Women’s Office near Damrei Romiel]; **D119/83** Moeng Vet OCIJ Statement, at A11; **D119/84** Moeng Vet OCIJ Statement, at A15.

⁴⁹ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951845; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951796 [stating that she was transferred from Angkor Chey to Koh Andet in 1976]; **D119/16** Kao Chheng OCIJ Statement, at A21, A24 [Im Chaem in charge of Koh Andet District military]; **D118/208** UI Hoeun OCIJ Statement, at A56.

⁵⁰ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951845.

⁵¹ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951846; **D118/242** Khoem Boeun OCIJ Statement, at A28; **D219/34** UI Hoeun OCIJ Statement, at A6-A7, A13-A14; **D118/208** UI Hoeun OCIJ Statement, at A113. *See* **D6.1.210** Letter from Tram Kak District Secretary San dated 7 August 1978, at ENG 00831486 [instructing to “sweep clean” young children along with their mothers].

⁵² **D1.3.23.1** DK Radio Broadcast, 22 March 1976, at ENG 00087743 [No. 4 – “Srei Chèm(f)”]; **D119/84** Moeng Vet OCIJ Statement, at A33; **D119/65** Tum Soeun OCIJ Statement, at A55-A58. According to the DK Constitution, the Assembly had sole responsibility for making laws in the regime. The Assembly was intended to provide a fig-leaf of democratic legitimacy to the regime, but all evidence indicates it met only once, enacted no laws and had no role in forming policy during the DK period.

⁵³ **D119/84** Moeng Vet OCIJ Statement, at A18; **D118/208** UI Hoeun OCIJ Statement, at A85; **D118/151** Khieu Neou OCIJ Statement, at A9; **D118/152** Pok Touch OCIJ Statement, at A1, A5, A84.

⁵⁴ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951848-49.

⁵⁵ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951849 [“Q: But you did not work for Sector 13, did you? A: No, I succeeded my chairman and was just a member. Q: Sector member? A: Yes”]. *See also* **D118/274** Bun Thoeun OCIJ Statement, at A29; **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056790-92; **D219/37** Suon Mot OCIJ Statement, at A17-A18, A21 [stating that Chaem was a Sector Member for a “fairly long time”]; **D219/34** UI Hoeun OCIJ Statement, at A10-A11, A22; **D118/78** On Sopheap OCIJ Statement, at A8; **D219/294** Moul Eng OCIJ Statement, at A28-A29, A31 [testimony of former CPK District Secretary that Chaem held a “senior ranking”]; **D119/84** Moeng Vet OCIJ Statement, at A19-A20 [witness delivered letter addressed “To Comrade Chèm, Sector 13 Standing Committee”].

⁵⁶ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951848-49.

⁵⁷ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951847; **D118/275** Bun Thoeun OCIJ Statement, at A49-A50; **D118/259** Pech Chim OCIJ Statement, at A46 [statement of former Tram Kak District Secretary describing long-standing relationship between Ta Mok and Im Chaem].

Sector meetings,⁵⁸ and would speak at the end of those meetings, commenting on “problems” in the Sector relating to security, arrests, enemies and traitors.⁵⁹

15. In 1977, Im Chaem was transferred to Sector 5 of the Northwest Zone and appointed Secretary of Preah Net Preah District.⁶⁰ She was entrusted by the CPK leadership with responsibility for a district that had 100,000 people, 90,000 of whom were 17 April evacuees.⁶¹ She brought with her a military force of 500 Southwest soldiers,⁶² disarmed the local militia (*chhlop*),⁶³ reorganized the militia and mobile unit forces in her region,⁶⁴ and appointed people she had selected and brought from the Southwest to commune and cooperative positions.⁶⁵ Im Chaem has stated that she arrived in Preah Net Preah before the former District chief (Maong) was “taken away.”⁶⁶ S-21 records establish that Preah

⁵⁸ **D118/274** Bun Thoeun OCIJ Statement, at A29 [“I always saw her presence during every meeting of the Sector”], A72; **D118/204** Mut Mao OCIJ Statement, at A36.

⁵⁹ **D118/242** Khoem Boeun OCIJ Statement, at A98-A99; **D118/274** Bun Thoeun OCIJ Statement, at A39-A42 [testimony of commune chief who overheard Chaem discussing arrests of cadres]; **D119/108** Sok Rum OCIJ Statement, at A55 [present at study sessions in Takeo town at which Chaem spoke].

⁶⁰ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217518; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951796 [admitting she was assigned to the Northwest Zone by Ta Mok and appointed Secretary of Preah Net Preah District]; **D119/65** Tum Soeun OCIJ Statement, at A62; **D119/32** Chhim Phôn OCIJ Statement, at A34; **D119/98** Kor Len OCIJ Statement, at A11; **D119/94** Bou Mao OCIJ Statement, at A30; **D119/123** Hem Mean OCIJ Statement, at A6-A7; **D119/110** Chum Kan OCIJ Statement, at A41; **D119/49** Thip Samphat OCIJ Statement, at A16; **D119/73** Nou Chuong OCIJ Statement, at A24-A28; **D119/33** Chhit Yoeuk OCIJ Statement, at A21; **D1.3.4.6** S-21 Confession of Kung Sophal alias Koe, at ENG 00217743 [identifying “Chaem (f)” as “Secretary of Preah Net Preah District”].

⁶¹ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217518; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951801-02 [Preah Net Preah District had 10,000 Base People and 90,000 New People]; **D1.3.10.3** Report titled *General View of Sector 5*, 27 June 1977, at ENG 00223176-77 [also noting that there were many “no-good elements” in Preah Net Preah].

⁶² **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217519; **D219/37** Suon Mot OCIJ Statement, at A31-A35 [testimony of Southwest cadre who was part of a group of 1,000 people led by Im Chaem from Takeo to Svay Sisophon, which included “village chiefs, commune chiefs, militiamen and medics”]; **D106/5** Tum Soeun OCIJ Statement, A11-A12; **D119/65** Tum Soeun OCIJ Statement, at A39-A41, A44 [stating there were 2,000 people in the group led by Im Chaem from the Southwest to Sector 5 of the Northwest Zone, including “300 troops” and a female unit of 300-400 members from Srae Ambel].

⁶³ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951804 [“I collected all the guns from the *chhlop* and kept them in my house”]; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089776 [“I confiscated guns from militiamen”]; **D219/23** Pum Kho OCIJ Statement, at A57-A58 [former assistant to Preah Net Preah District Committee describes how he handed over his gun to Yeay Chaem at her house].

⁶⁴ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217520-21; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089773, 00089776.

⁶⁵ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951798-99; **D119/65** Tum Soeun OCIJ Statement, at A71-A73 [describing meeting at which Ta Chiel and Yeay Chaem assigned forces], A80 [“Yeay Chaem was the one who instructed me to arrange the forces”], A85, A96; **D119/20** Li Sinh OCIJ Statement at A3-A5 [witness’ ex-wife was part of group of Southwest cadres who came with Im Chaem to Preah Net Preah in June or July 1977]; **D119/110** Chum Kan OCIJ Statement, at A41 [witness appointed to Phnum Lieb Commune Committee by Chaem].

⁶⁶ **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; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951797 [“When I arrived, the former district committee was still there”]. See also **D119/65** Tum Soeun OCIJ Statement, at A81; **D219/23** Pum Kho OCIJ Statement, at A69.

Net Preah District Secretary An Maong entered S-21 on 28 June 1977, and may have been arrested as much as 10 days earlier.⁶⁷ This refutes Im Chaem's claim that she moved to Preah Net Preah in late 1978,⁶⁸ and establishes that she had assumed her new position in that district as of June 1977, before the arrest and purge of the former district leaders.

16. In addition to her position as Preah Net Preah District Secretary, Im Chaem became a Member, and later Deputy Secretary, of the Sector 5 Committee.⁶⁹ Her husband Nhen was appointed Secretary of Serei Saophoan District (also referred to as Svay Sisophon).⁷⁰ Im Chaem and her husband thus controlled two of the four districts in Sector 5. A Phnom Srok cooperative chief has testified that he and other Sector cadres were called to a meeting in Preah Net Preah District in July or August 1977 held by Im Chaem and her husband, at which Chaem announced she was "the new Sector 5 Committee" and removed him from his position.⁷¹ While in the Northwest Zone, Im Chaem met with and received instructions from Ta Mok, and states that their relationship was close enough that she did not fear to question his orders, argue with him, and openly discuss food shortages in her district.⁷² One witness described Chaem as "the right hand of Ta Mok."⁷³
17. DK-era documents establish the dates when the previous members of the Sector 5 Committee were arrested and Im Chaem would have assumed her position on that

⁶⁷ **D191.1.111** S-21 List of Prisoners Smashed on 18 Oct 1977, at ENG 00873645 (No. 134); **D6.1.883** OCP Revised S-21 Prisoner List [No. 57]; **D1.3.4.1** S-21 Confession of An Maong, 24 Sept 1977, at ENG 00786926 ["On 18 June 1977, Angkar arrested us"].

⁶⁸ **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951851.

⁶⁹ **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056808 [Chaem on Sector 5 Committee with Heng Rin and Chiel]; **D219/37** Suon Mot OCIJ Statement, at A42-A44, A52-A54 [stating that Im Chaem worked at the Svay Sisophon, Preah Net Preah and Phnom Srok District offices, and attended meetings at the Sector 5 office]; **D119/91** Chiem Tab OCIJ Statement, at A15, A25; **D119/69/2** Kroch Toem DC-Cam Statement, at ENG 00986290 ["Chaem was Sector Committee"]; **D119/108** Sok Rum OCIJ Statement, at A107, A112, A124 [stating that Yeay Chaem often came to work in Svay Sisophon and called District Committees to meetings there every 10 days]; **D119/66** Bin Heuy OCIJ Statement, at A11; **D118/65** Chim Chanthoem OCIJ Statement, at A29.

⁷⁰ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089782; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951863; **D119/94** Bou Mao OCIJ Statement, at A52; **D119/156** Choeng Choeun OCIJ Statement, at A27 [testimony of former Southwest cadre transferred from Angkor Chey to Svay Sisophon in 1977]; **D119/115** Til Hev OCIJ Statement, at A21-A22; **D219/37** Suon Mot OCIJ Statement, at A45; **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056798, 01056805 [noting that Nhen later transferred from Serei Saophoan to Phnom Srok District].

⁷¹ **D119/91** Chiem Tab OCIJ Statement, at A15-A20 [also stating that Yeay Chaem and her husband were the only speakers at that Congress].

⁷² **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089777; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951810-12 ["As for me, I dared to report to him because I knew him very well ... When he said to me one word, I would reply to him two words"]; **D119/123** Hem Mean OCIJ Statement, at A20 [messenger describes delivering letters sent from Ta Mok to Yeay Chaem]; **D219/294** Moul Eng OCIJ Statement, at A55-A58; **D119/66** Bin Heuy OCIJ Statement, at A15 [describing meeting led by Ta Mok and Yeay Chaem in 1978].

⁷³ **D119/124** Nhem En OCIJ Statement, at A22; *see also* **D219/294** Moul Eng OCIJ Statement, at A63.

Committee. Im Chaem states that former Sector 5 Secretary Hoeng had already been taken away when she arrived in the region,⁷⁴ leaving “Ta Lai and Chiel [son of Zone Secretary Nhim]” at the Sector level.⁷⁵ Sector 5 Committee Member Kong Lèm *alias* Lai entered S-21 on 2 September 1977,⁷⁶ while Chiel was arrested about the same time as his father in June 1978.⁷⁷ Vuth, the other member of the former Sector Committee, was also purged in 1977.⁷⁸ Hoeng was replaced as Sector 5 Secretary by Southwest cadre Heng Rin *alias* Mei.⁷⁹ Based on this timeline, Im Chaem would have become a Member of the Sector 5 Committee under Rin no later than September 1977 (the time of Lai’s arrest), and would have become Sector Deputy no later than June 1978 (the time of Chiel’s arrest). An organization chart for Sector 5, based on S-21 records, Northwest Zone reports and interviews of former cadres, is filed herewith as **Annex A**.

18. In late 1978, the Northwest Zone sectors were reorganized and a new Sector formed that merged the northern part of old Sector 3 (Mongkol Borei) into Sector 5.⁸⁰ Rin, the Secretary of old Sector 5, was arrested in November 1978⁸¹ and replaced by former Tram

⁷⁴ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217520; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951854. Sector 5 Secretary Men Chun *alias* Hoeng was removed from the Northwest Zone and sent to the Ministry of Foreign Affairs on 5 June 1977, and two weeks later on 20 June 1977 was arrested and sent to S-21. **D1.3.25.4** S-21 Prisoner List, Sept 1977, at ENG 00837611 (No. 42); **D6.1.326** S-21 Confession of Men Chun *alias* Hoeng, at ENG 00766159; **D1.3.10.3** Report titled *General View of Sector 5*, 27 June 1977, at ENG 00223175 [identifying Hoeng as “arrested”].

⁷⁵ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089774-75.

⁷⁶ **D191.1.111** S-21 List of Prisoners Smashed on 9 December 1977, at ENG 00873628 (No. 248); **D191.1.111** S-21 List of Prisoners Smashed & Photographed, at ENG 00873281 (No. 9).

⁷⁷ **D119/98** Kor Len OCIJ Statement, at A9 [Nhim and Chiel purged in mid-1978]; **D119/65** Tum Soeun OCIJ Statement, at A95 [Ta Chiel disappeared in mid-1978]; **D1.3.18.2** S-21 Confession of Muol Sambath *alias* Ros Nhim, dated 14 June 1978; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, at ENG 00678710.

⁷⁸ **D1.3.10.3** Report titled *General View of Sector 5*, 27 June 1977, at ENG 00223175; **D6.1.364** Chhoeun Sem OCIJ Statement, at ENG 00338375 [testimony of spouse of Phnom Srok District Secretary Hat that Ta Vuth, former deputy of Hoeng, was arrested & killed]; **D119/156** Chhoeun Choeun OCIJ Statement, at A29 [Southwest cadre who transferred to Northwest Zone in mid-1977 states that “Chiel, Vut and Lai were Sector 5 Committee” when he arrived, but later that year they disappeared].

⁷⁹ **D119/156** Chhoeun Choeun OCIJ Statement, at A26, A28-A29; **D119/94** Bou Mao OCIJ Statement, at A23; **D119/98** Kor Len OCIJ Statement, at A11 [Ta Rin replaced Hoeng as Sector Com]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951805 [“Uncle Rin from Kampot” took over Sector 5 from Chiel]. Before Rin’s arrival, Zone Secretary Ros Nhim’s son Chiel briefly served as interim Sector chief. **D119/33** Chhit Yoeuk OCIJ Statement, at A13 [“In Sector 5, after Ta Hoeng was arrested, Ta Chiel replaced him for a few months and later Rin (from the Southwest Zone) replaced Ta Chiel”]; **D67.6** Pan Chhuong DC-Cam Statement, at ENG 00728686-88, 00728691 [stating that Chiel served as region chief for “about 3 months,” and after Rin’s appointment Chiel was either deputy or “assistant”].

⁸⁰ **D118/93** Prak Soem OCIJ Statement, at A14-A18; **D67.9** Chhit Yoeuk DC-Cam Statement, at ENG 00731140 [“Mongkul Borei and Bavel were also included in Region 5”]; **D118/153** Long Vun OCIJ Statement, at A32-A35; **D219/294** Moul Eng OCIJ Statement, at A41-A42.

⁸¹ **D6.1.44** S-21 Interrogation Log, December 1978, at ENG 00789707 [recording that Rin entered S-21 on 16 November 1978; his spouse and 13 year-old niece were sent to S-21 in the following weeks]; **D1.3.4.4** S-21 Confession of Heng Rin *alias* Mei, 19 Nov 1978; **D6.1.883** OCP Revised S-21 Prisoner List [No. 2431].

Kak District chief Ta Chay.⁸² A Southwest Zone cadre who was assigned by Ta Chay to come to the Northwest Zone, and who was present at a meeting of the new Sector Committee, has testified that Im Chaem became the Deputy Secretary of that new Sector.⁸³ He also states that Nhen, Chaem's husband, became the Member of the Sector Committee.⁸⁴ Accordingly, while some cadres have testified that Im Chaem became the Sector Secretary after Rin's arrest,⁸⁵ her actual position appears to have been Deputy Secretary of the new expanded Sector, with responsibility for former Sector 5 districts.

19. The evidence thus establishes that Im Chaem held significant positions of authority throughout the DK regime at the District and Sector level, and by the end of the regime had risen to the position of Deputy Secretary of a major Sector in the Northwest Zone. She has said that she was promoted up the ranks of the CPK because she performed her "duties well" and could "fulfill the [Party's] plan."⁸⁶

B. Responsibility for Arrests and Executions⁸⁷

20. Im Chaem denies ordering or participating in any killings, and claims that the military had responsibility for such matters.⁸⁸ However, as a District Secretary in the Southwest and Northwest Zones, Im Chaem controlled the district militia and had authority to arrest people and send them to re-education or security offices.⁸⁹ Im Chaem's own statements

⁸² **D219/37** Suon Mot OCIJ Statement, at A49-A50 ["After Ta Rin was arrested, Ta Chay ruled in place of Ta Rin and worked with Yeay Chaem"]; **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056807-08, 01056814; **D119/123** Hem Mean OCIJ Statement, at A5-A16 [witness delivered letters from Ta Chay to Yeay Chaem]; **D118/93** Prak Soem OCIJ Statement, at A7-A9, A17-A19 ["Sisophon and Mongkol Borei were part of the same sector under Ta Chay"], A33; **D219/294** Moul Eng OCIJ Statement, at A41, A45.

⁸³ **D118/93** Prak Soem OCIJ Statement, at A19-A21. *See also* **D118/153** Long Vun OCIJ Statement, at A57-A59 [cadre present at meeting of new Sector Committee consisting of Ta Chay and Yeay Chaem]; **D219/4.1** Suon Mot DC-Cam Statement, at ENG 01056814 ["Q: They arrested Ta Chiel and later Ta Rin. Only Yeay Chaem remained? A: Only Yeay Chaem remained, and then Ta Chay came"]; **D119/20** Li Sinh OCIJ Statement at A16 [Chaem appointed to Sector 5 Committee in late 1978].

⁸⁴ **D118/93** Prak Soem OCIJ Statement, at A19.

⁸⁵ *See, e.g.*, **D119/33** Chhit Yoeuk OCIJ Statement, at A17, A19-A20 [testimony of former Sector 5 Mobile Economics Chief that Yeay Chaem served as "temporary Sector Secretary" near the end of the DK regime, during which time he would meet with Chaem to discuss rice supplies]; **D67.9** Chhit Yoeuk DC-Cam Statement, at ENG 00731142.

⁸⁶ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217517-18 ["by showing that I was doing my duties well, I was given more duties starting at the village level up to the commune level and then district level"]; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951842, 00951845.

⁸⁷ In the following Sections, the ICP focuses primarily on the crimes committed at the Phnom Trayoung security centre and Spean Sraeng worksite for which Im Chaem was charged in the Notification filed by the International Co-Investigating Judge on 3 March 2015. **D239.1** Notification of Charges Against Im Chaem. This submission does not, therefore, address her responsibility for crimes committed in other locations pursuant to a common criminal plan.

⁸⁸ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217532-33, 00217543 ["This matter should have belonged to the military, who had weapons for shooting"].

⁸⁹ **D119/65** Tum Soeun OCIJ Statement, at A189, A222-A223 [Chaem asked cooperatives to "inform her of any problems" and decided "whom to send to the education centre"]; **D119/64.1** Tum Soeun DC-Cam

reflect her decision-making authority relating to the arrest and detention of prisoners.⁹⁰ Her former messenger has testified that Im Chaem held meetings at her house with cooperative chiefs and was the “decision-maker” on who would be arrested.⁹¹ This is consistent with evidence from other DK regions on the authority of District Secretaries,⁹² including surviving records from Tram Kak District showing that District chiefs had the authority to order arrests,⁹³ but normally required Sector approval for executions.⁹⁴

Statement, at ENG 00951706, 00951711-13 [Chaem sent detainees to security office and was responsible for security guards in Preah Net Preah]; **D119/144** Lat Suoy OCIJ Statement, at A52-A53, A58, A62-A63 [testimony of Phnom Srok district soldier]; **D119/94** Bou Mao OCIJ Statement, at A54, A56 [Yeay Chaem in charge of armed militia and security offices in Preah Net Preah district]; **D119/29** Pan Chhuong OCIJ Statement, at A22; **D119/49** Thip Samphat OCIJ Statement, at A39, A43-A45; **D119/16** Kao Chheng OCIJ Statement, at A21, A24; **D219/37** Suon Mot OCIJ Statement, at A55 [Chaem would travel accompanied by “fully armed” messengers]; **D119/90** Chuon Pheap OCIJ Statement, at A13 [Chaem accompanied by “armed military personnel” when visiting worksites]; **D219/294** Moul Eng OCIJ Statement, at A186-A188; cf. **D119/110** Chum Kan OCIJ Statement, at A76-A84 [Phnum Lieb Commune chief testimony that he received orders from Chaem to “send people to be re-educated,” but believed the orders originated from the Sector or Zone level].

⁹⁰ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089782 [describing how she refused to arrest a number of people]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951797 [claiming that she moved into a house in Phnum Lieb that had been used as a detention office, and released all the prisoners], 00951816 [describing how she “ordered” the release of one prisoner].

⁹¹ **D219/397** Bin Sokh OCIJ Statement, at A42 [“all cooperative chairpersons came to discuss with her about arrests they wished to make. This means that all arrests of large numbers of people had to be decided by Yeay Chaem first”].

⁹² See, e.g., **D219/120** Prak Yut OCIJ Statement, at A12 [testimony of former Kampong Siem District Secretary: “I gave authority to my deputy chairman ... to arrest people”], A29 [“After I received information or a report from the communes, I would decide on a case-by-case basis ... who was to be sent to Tuol Beng”]; **CF2-D40/5** Prum Proeung OCIJ Statement, at ENG 00165239-40 [testimony of Khsach Kandal District Security Chairman that orders to arrest prisoners came from the District Secretary]; **D219/28** Ma Sim OCIJ Statement, at A53, A64 [district chairman “in charge of security and district military” and responsible for ordering arrests]; **D117/36.1.1** Koem Sokh OCIJ Statement, at ENG 00231666, 00231670 [testimony of Damrei Srot prison chief that district leaders had authority relating to the security office, but orders from the Sector level were required for executions]; **CF2-D166/182** Mol Em OCIJ Statement, at ENG 00358614 [testimony of Deputy Chief of Damrei Srot security office that arrest decisions were made by the District Committee, based on reports from the communes]; **CF2-D125/184** Yun Kim OCIJ Statement, at ENG 00345191; **D219/5** Cheam Nhor OCIJ Statement, at A89 [“District Committee had the authority to arrest and kill people”]; **D219/40** Phan Chhen OCIJ Statement, at A33-A35; **D6.1.991** Uk Soeum OCIJ Statement, at A13-A14. Cf. **D6.1.688** Bun Thien OCIJ Statement, at ENG 00384401 [“The district level had the authority to kill people”]; **D118/274** Bun Thoeun OCIJ Statement, at A86-A87; **D6.1.122** Pechuy Chipse OCIJ Statement, at ENG 00225212-13 [testimony of Pongro security office cadre: “Only when there were orders from the district were there any interrogations, releases or killings”]. (*Documents that are presently only on Case File 002 are identified with a ‘CF2’ prefix, and it is requested that all such documents be placed onto Case File 004.*)

⁹³ See, e.g., **D6.1.283** at ENG 00322160 [order from Tram Kak District Secretary Kit to “arrest Prak Nan and bring him over to our place”]; **D6.1.299** at ENG 00322177 [note from District Secretary Kit authorizing arrest]; **D6.1.295** at ENG 00388587 [note from District Chief Neang Ouch *alias* Ta San: “I have decided that these 4 persons should be arrested”].

⁹⁴ **D6.1.1200** at ENG 00276593-94 [reports on confessions of prisoners sent by Kraing Ta Chan prison chief An, containing handwritten instructions to “smash” from Sector 13 Secretary Prak]; **D118/242** Khoem Boeun OCIJ Statement, at A259. See also **D219/119.1.5** Ou Dav OCIJ Statement, at A55 [Secretary of Sector 11 had “authority to give orders to kill people”]; **D6.1.679** Seng Soeun OCIJ Statement, at A44 [testimony of S’ang District chief: “Cadres from the Sector invited district committee to attend meetings and during meetings the decision was made on who was to be killed and who was not”].

21. Even if Im Chaem in her capacity as a Sector Member did not have *de jure* authority by herself to order executions,⁹⁵ her decision as District Secretary on who would be arrested and sent to security offices was of great consequence.⁹⁶ Victims of arrests were immediately subject to unlawful detention in abhorrent conditions and to interrogations that routinely deployed torture. The stark reality was that the vast majority of those sent to district security offices would die from disease, starvation, ill-treatment or execution.⁹⁷
22. Im Chaem admits that Democratic Kampuchea was a “totalitarian” regime that operated without laws, in which people accused of being enemies faced dire consequences and likely execution.⁹⁸ In district meetings, she warned people they must “not oppose Angkar, otherwise, Angkar would take us to study.”⁹⁹ She certainly understood the consequences of decisions to arrest alleged enemies. In her own words: “If the accusation was not true, and if I, as the leader, agreed to it, the life of these people would be gone.”¹⁰⁰ Im Chaem’s former messenger has acknowledged that she was responsible for the deaths in her district “because she was in charge of all the work and all prisoners in Preah Net Preah.”¹⁰¹
23. After Im Chaem and the Southwest cadres arrived in Preah Net Preah District, they established a security office at the Phnom Trayoung rock quarry.¹⁰² Initially, there were 2 big detention halls and 3 to 4 smaller ones, but later additional structures were built in order to expand the prison.¹⁰³ Twenty to thirty prison guards worked at the security

⁹⁵ Cf. **D219/347** Chhim Phôn OCIJ Statement, at A9-A11 [discussing issuance of execution orders by District Committee in Preah Net Preah].

⁹⁶ See Stephen Heder, *Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective*, at pp. 12-16 [describing the importance of the judgment exercised by CPK district chiefs, and noting that the Party considered them “second in importance only to Central Committee members themselves, because they stood in the key intermediate position between the central leadership and the situation in the grassroots”].

⁹⁷ See, e.g., **D6.1.709** Srei Than OCIJ Statement, at A53 [testimony of Kraing Ta Chan prison guard that “99% of prisoners were smashed”]; **D219/57** Kong Run OCIJ Statement, at A162 [testimony of Phum Veal Security Office cadre that only a small number of prisoners survived].

⁹⁸ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217530-31 [“People had accused each other by saying that this or that person was the enemy which resulted a huge impact on their lives ... totalitarian regime where prosecution meant to kill immediately”], 00217544 [“Not all had been killed after arrested. It was not known where they were brought to and killed ... but the people were lost consecutively”]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951819.

⁹⁹ **D119/30** Phoun Suntý OCIJ Statement, at A7.

¹⁰⁰ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951819.

¹⁰¹ **D219/397** Bin Sokh OCIJ Statement, at A42 [adding that “I do not think that Yeay Chaem was a cruel person, but she was the decision-maker”].

¹⁰² **D119/65** Tum Soeun OCIJ Statement, at A143-A146 [testimony of Phnom Trayoung prison chief that the office was established “after the Southwest Zone people arrived”]; **D119/64.1** Tum Soeun DC-Cam Statement, at ENG 00951706 [“Q: Who created that center? A: Yeay Chaem”]; **D106/8** Thip Samphat OCIJ Statement, at A39; **D219/318** Dan Tâm OCIJ Statement, at A58; **D219/23** Pum Kho OCIJ Statement, at A28; **D106/7** Sum Sal OCIJ Statement, at A33; **D119/20** Li Sinh OCIJ Statement, at A15.

¹⁰³ **D119/30** Phoun Suntý OCIJ Statement, at A33; **D106/8** Thip Samphat OCIJ Statement, at A36 [because of the “large prisoner population,” the security office had to be expanded to the east]; **D119/19** Phon Mon

centre,¹⁰⁴ which covered 2 hectares.¹⁰⁵ At the time Vietnamese troops arrived, plans existed to build an even bigger security office.¹⁰⁶

24. While OCIJ's investigation has not yet fully substantiated DC-Cam's estimate of 40,000 deaths at Phnom Trayoung,¹⁰⁷ it has established that many thousands of people died at this security office while Im Chaem was in control. While the number of prisoners varied, there were usually at least 300 people detained at the site, and over 1,000 detainees during some periods.¹⁰⁸ The Sector 5 Mobile Economics chief responsible for supplying food to Phnom Trayoung has testified that he was requested to provide enough rice for 600 people.¹⁰⁹ Witnesses have described mass executions of prisoners, sometimes as many as 90 prisoners at a time,¹¹⁰ and state that many other prisoners died from overwork

OCIJ Statement, at A29 ["10 houses with many people who were imprisoned in them"]; **D219/153** Im Soeun OCIJ Statement, at A25 ["4 to 10 halls with zinc roofs"]; **D219/65** Tum Soeun OCIJ Statement, at A151 [10 new houses built at the site after his arrival]; **D219/64.1** Tum Soeun DC-Cam Statement, at ENG 00951709; **D219/102** Tum Soeun OCIJ Statement, at A50-A52 [stating that he built a dining hall that was "60 metres long and 30 metres wide"].

¹⁰⁴ **D219/49** Thip Samphat OCIJ Statement, at A54 ["about 30 guards"]; **D2106/7** Sum Sal OCIJ Statement, at A11 [testimony of former Phnom Trayoung guard that there were 30 guards]; **D219/318** Dan Tãm OCIJ Statement, at A62 ["There were a great number of guards at Phnom Trayoung," more than the Sector prison]; **D219/94** Kim Yet OCIJ Statement, at A77 ["about 20 guards"]; **D219/159** Leng Voeng OCIJ Statement, at A49 [same].

¹⁰⁵ **D219/64.1** Tum Soeun DC-Cam Statement, at ENG 00951705.

¹⁰⁶ **D2106/5** Tum Soeun OCIJ Statement, at A21, A24; **D219/65** Tum Soeun OCIJ Statement, at A208 [describing plans to build new security office at Phnum Sramaoch, 500 metres from Phnom Trayoung].

¹⁰⁷ **D219/3.10.10** DC-Cam Mapping Report for Banteay Meanchey, at ENG 00218610; **D219/144** Pheng Pong Rasy OCIJ Statement, at A14-A15.

¹⁰⁸ **D219/49** Thip Samphat OCIJ Statement, at A53; **D219/318** Dan Tãm OCIJ Statement, at A55 ["I saw thousands of people there"]; **D219/149** Chum Chim OCIJ Statement, at A37 ["I estimate that there were thousands, because the population of two cooperatives would not equal the number of prisoners in Phnom Trayoung"]; **D219/153** Im Soeun OCIJ Statement, at A21 ["thousands of prisoners"]; **D219/30** Phoun Sunty OCIJ Statement, at A24, A31 [describing one meeting attended by 300 prisoners, and noting in general there were "too many prisoners" to "count them all"]; **D219/159** Leng Voeng OCIJ Statement, at A49 ["about 500 prisoners"]; **D2106/6** Kim Yet OCIJ Statement, at A31 [stating that in general, there were 200-300 prisoners]; **D219/65** Tum Soeun OCIJ Statement, at A159-A161 [testimony of former prison chief that 300 to 400 people were at the site]; **D2101/1.2** Tor Pinthang OCIJ Statement, at ENG 00751068 [50 to 60 prisoners shackled in one building alone]; **D219/155** Lach Chheanlong OCIJ Statement, at A56-A62 [70 prisoners "sleeping feet to feet" in one building]. *See also* **D219/318** Dan Tãm OCIJ Statement, at A62-A63 [Civil Party detained at both Phnom Trayoung and the Sector security office in Chamkar Kor, who states that Phnom Trayoung was "larger and more important," because there were many more prisoners, and that the food rations and living conditions were far worse at Phnom Trayoung].

¹⁰⁹ **D219/33** Chhit Yoeuk OCIJ Statement, at A22.

¹¹⁰ **D219/49** Thip Samphat OCIJ Statement, at A60-A64 [witnessed execution of 90 prisoners]; **D2106/8** Thip Samphat OCIJ Statement, at A27-A31; **D219/30** Phoun Sunty OCIJ Statement, at A20-A21, A31 [witnessed execution of 7 persons, and was told by guard of regular executions of "at least 30 to 50 prisoners"]; **D219/19** Phon Mon OCIJ Statement, at A34; **D2106/6** Kim Yet OCIJ Statement, at A16-A17, A26, A31-A32; **D219/94** Kim Yet OCIJ Statement, at A59-A67 [witness ordered to bury 30 to 40 bodies following mass execution], A82-A83; **D219/149** Chum Chim OCIJ Statement, at A31, A38 [15 to 20 prisoners killed every 2 to 3 days]; **D219/211** Oeun Chanry OCIJ Statement, at A13, A18; **D219/153** Im Soeun OCIJ Statement, at A32; **D219/3.11.20** Keum Nov SOAS Interview [all remaining serious offence prisoners killed in final days of regime]. In his 1st OCIJ interview, the former Phnom Trayoung chief asserted that only 300 or 400 people died at the prison (**D2106/5** Tum Soeun OCIJ Statement, at A24). In his

and starvation.¹¹¹ The victims killed at the site included children.¹¹² One surviving detainee believes that “tens of thousands” died at the site,¹¹³ and a former prison guard estimates the number of deaths at 5,000 to 10,000.¹¹⁴ A report prepared by the People’s Republic of Kampuchea government in 1984 found that 20,000 had been killed at Phnom Trayoung.¹¹⁵

25. Im Chaem’s responsibility for the Phnom Trayoung security office has been clearly established. The former chief of that prison, Tum Soeun, was a Southwest cadre from Tram Kak district who came to the Northwest Zone with Im Chaem. He was referred to by prisoners as *Yumreach* (the Guardian of Hell).¹¹⁶ Tum Soeun states that it was Chaem who assigned him to organize the office, and that she was the “top leader” at the site and the person to whom he reported.¹¹⁷ He states that Im Chaem, exercising her power as District Chief, decided who would be arrested and sent to the security office.¹¹⁸
26. While Im Chaem initially denied knowing anything about the Phnom Trayoung prison, even its location,¹¹⁹ she later admitted that her house was only 200 metres away.¹²⁰ On

^{2nd} interview, he denied making his prior statement, and claimed there were no killings or deaths at all (D119/65 Tum Soeun OCIJ Statement, at A191-A193, A196, A217).

¹¹¹ D106/7 Sum Sal OCIJ Statement, at A26, A31; D119/49 Thip Samphat OCIJ Statement, at A57; D119/159 Leng Voeng OCIJ Statement, at A50 [“2 to 3 prisoners died of starvation each day”]; D119/130 Orm Huon OCIJ Statement, at A47 [“most died of starvation”]; D219/92 Phoun Suntay OCIJ Statement, at A50; D219/318 Dan Tâm OCIJ Statement, at A55 [“no food but leaves to eat”], A63-A64; D219/127 Prang Sal OCIJ Statement, at A54 [former prison guard estimates that 5,000 to 10,000 died at the site, the majority “because of illnesses, insufficient food and maybe they were killed by the soldiers”]; D219/153 Im Soeun OCIJ Statement, at A21 [thousands died of starvation]; D219/141 Youk Neam OCIJ Statement, at A7-A16 [after arrival of Vietnamese, witness saw dead bodies of prisoners left shackled in the prison]; D106/4 Lay Khann OCIJ Statement, at A24.

¹¹² D119/19 Phon Mon OCIJ Statement, at A34 [ordered to bury dead bodies, some of whom were children].

¹¹³ D119/30 Phoun Suntay OCIJ Statement, at A31; D219/92 Phoun Suntay OCIJ Statement, at A48-A50 [explaining that estimate was based on prison guard’s statement that 30-50 people were killed every night].

¹¹⁴ D219/127 Prang Sal OCIJ Statement, at A54.

¹¹⁵ D119/50.2 Report from Preah Net Preah District Propaganda Office, 5 July 1984, at ENG 00938421.

¹¹⁶ D106/6 Kim Yet OCIJ Statement, at A41.

¹¹⁷ D106/5 Tum Soeun OCIJ Statement, at A28; D119/65 Tum Soeun OCIJ Statement, at A148 [assigned by Chaem to supervise site], A158 [Chaem “told me to arrange that Education Department”], A175 [“Yeay Chaem assigned me to be in charge of the place. She ordered me to help organize the place while so many people were sent there”], A178 [previous supervisor of site was messenger of Chaem], A183 [Chaem’s messengers came to site every 2 or 3 days]. See also D119/110 Chum Kan OCIJ Statement, at A89 [stating that Phnom Trayoung was a Sector security office, but that “Yeay Chaem had the power to govern that security office”]; D219/23 Pum Kho OCIJ Statement, at A112 [testimony of former District Committee Member that Chaem supervised the Phnom Trayoung quarry site]; D219/397 Bin Sokh OCIJ Statement, at A42 [testimony of Chaem’s former messenger that she was in charge of “all prisoners in Preah Net Preah”].

¹¹⁸ D119/65 Tum Soeun OCIJ Statement, at A189, A222-A223; D119/64.1 Tum Soeun DC-Cam Statement, at ENG 00951706.

¹¹⁹ D123/1/5.1c Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951858-59.

¹²⁰ D123/1/5.1c Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951859. See also D119/94 Bou Mao OCIJ Statement, at A32 [witness describes how he met Im Chaem at her house in Phnum Lieb, and was escorted by militia to a security office with “many prisoners” located 100 metres from Chaem’s house]; D219/151 Uk Deang OCIJ Statement, at A3 [stating that there was a house of soldiers across from Chaem’s

some occasions, district militia brought arrested persons to Im Chaem's house, where they received instructions from her on what to do with the detainees.¹²¹ During the arrest of one female medic, a witness heard Im Chaem instruct: "If she is being difficult or is a traitor, kill her and get rid of her."¹²²

27. Multiple witnesses describe documents issued by Im Chaem that either ordered arrests or called people to attend study sessions, where they were arrested.¹²³ Those who were arrested and sent to Phnom Trayoung by Im Chaem included: persons accused of being traitors because they had criticized or complained about food rations;¹²⁴ people implicated by prisoner interrogations;¹²⁵ people who were starving and had taken fruit, potatoes or sugar cane to eat;¹²⁶ people from canal worksites who were seen as "lazy or weak;"¹²⁷ purged cadres and their families;¹²⁸ and relatives of Lon Nol soldiers who were sent to the prison even though "they had not committed any wrongdoing."¹²⁹ A local unit chief attended a meeting of 70 to 80 district cadres held by Im Chaem after her arrival, at which she announced they would screen for "high-ranking" people to kill, in order to

house, and a security office directly behind that].

¹²¹ **D119/94** Bou Mao OCIJ Statement, at A46-A47; **D119/121** Kor Len OCIJ Statement, at A35-A44; **D119/99** Pech Ruos OCIJ Statement, at A33 [describing how local cadre was arrested and brought to Im Chaem's house, then taken away to be killed between Phnum Lieb and Phnom Trayoung]; **D101/1.2** Tor Pinthang OCIJ Statement, at ENG 00751069; **D119/75** Bin Sokh OCIJ Statement, at A19-A20, **D219/397** Bin Sokh OCIJ Statement, at A20-A27 [witness identified as Im Chaem's messenger describes being assigned by Chaem to transport 7 prisoners from the Chup prison to Chaem's house]; **D119/154** Iv Mara OCIJ Statement at A36-A39 [arrestee transported to Yeay Chaem's house]; **D219/151** Uk Deang OCIJ Statement, at A3, A10-A11 [describing "temporary detention office" next to Chaem's house where arrestees were sent before Phnom Trayoung and where he saw prisoners being hit with a wooden chair].

¹²² **D119/94** Bou Mao OCIJ Statement, at A46-A47.

¹²³ **D119/49** Thip Samphat OCIJ Statement, at A42-A45; **D106/8** Thip Samphat OCIJ Statement, at A7-A13; **D119/30** Phoun Senty OCIJ Statement, at A12-A15, A18-A19 [Im Chaem sent letter to witness to "come study," and when he arrived at her office, sent him to Phnom Trayoung where he was arrested]; **D219/92** Phoun Senty OCIJ Statement, at A7-A10, A14; **D219/95** Phon Mon OCIJ Statement, at A28-A35.

¹²⁴ **D119/49** Thip Samphat OCIJ Statement at A33-A36, A42-A45; **D1.3.11.20** Keum Nov SOAS Interview.

¹²⁵ **D106/6** Kim Yet OCIJ Statement, at A13, A21 [witness told by prison chief that his team had been arrested because a fellow medic implicated them].

¹²⁶ **D119/64.1** Tum Soeun DC-Cam Statement, at ENG 00951709-10/14; **D106/6** Kim Yet OCIJ Statement, at A28; **D219/230** Leng Voeng OCIJ Statement, at A2; **D219/13** Khun Sevinn OCIJ Statement, at A40-A42.

¹²⁷ **D219/397** Bin Sokh OCIJ Statement, at A35 [testimony of Im Chaem's former messenger].

¹²⁸ **D219/318** Dan Tam OCIJ Statement, at A6, A24-A25, A48, A62; **D219/175** Hang Horn OCIJ Statement, at A31-A33.

¹²⁹ **D106/5** Tum Soeun OCIJ Statement, at A23; **D119/65** Tum Soeun OCIJ Statement, at A148 ["wrongdoers" sent to Phnom Trayoung "together with their family members"]; **D119/130** Orm Huon OCIJ Statement, at A22-A24 [Civil Party's family arrested because her brother was a former soldier who had escaped to Thailand]; **D219/153** Im Soeun OCIJ Statement, at A14 [arrested because her "relatives had worked for the previous regime"]. See also **D101/1.2** Tor Pinthang OCIJ Statement, at ENG 00751068-69 [stating that if a Base Person was arrested, their "entire family" would often be arrested]; **D5/1364/1** Pik Saret Civil Party Application, at ENG 01061538-39 [brother who was former Lon Nol soldier sent to Phnom Trayoung]; **D5/953/1** Chuon Chan Roem Civil Party Application, at ENG 00981510-11.

save rice for those who had “no tendencies toward the old regime.”¹³⁰ One civil party describes six busloads of former civil servants and students being gathered by Im Chaem and sent away for execution.¹³¹

28. One of the few survivors from Phnom Trayoung was Thip Samphat, a Base Person in charge of the Malaria section at the Phnom Lieb Commune Hospital, who was arrested and detained at that security office from August 1978 to the end of the regime. He was arrested after the director of his hospital reported to Im Chaem that he had complained about leaders and chiefs receiving better meals than regular workers.¹³² When he arrived at Phnom Trayoung, the prison chief showed him a letter signed by Im Chaem that accused him of being a traitor and ordered his and two co-workers’ arrest.¹³³ He has testified that there were less than 100 prisoners when he first arrived, but in two months the number of prisoners grew to “more than 1,000 families.”¹³⁴ He witnessed some prisoners die of starvation every day, and others taken away for execution every night.¹³⁵ Near the end of the regime, as the Vietnamese army was approaching, he was ordered to help dig a mass grave, and witnessed the guards execute 90 remaining prisoners.¹³⁶ The female prisoners taken for execution that night were naked.¹³⁷
29. OCIJ’s investigation has also established Im Chaem’s responsibility for arrests and killings of the Vietnamese. Vietnamese workers at the Spean Sraeng and Trapeang Thma worksites, as well as persons related or connected to the Vietnamese, were arrested and taken away during the period Im Chaem had authority at those sites.¹³⁸ Executions of

¹³⁰ **D119/155** Lach Chheanlong OCIJ Statement, at A43-A46 [also confirming there were many arrests following that meeting]. *See also* **D118/153** Long Vun OCIJ Statement, at A61-A62 [cadre present at Sector meeting where Chaem discussed tracking Lon Nol enemies].

¹³¹ **D5/1045/1** Koam Bopha Civil Party Application, at ENG 00991781-82.

¹³² **D119/49** Thip Samphat OCIJ Statement, at A33-A36; **D123/1/2.66** Thip Samphat DC-Cam Statement, at ENG 00987603-04.

¹³³ **D119/49** Thip Samphat OCIJ Statement, at A42-A45; **D106/8** Thip Samphat OCIJ Statement, at A7-A13; **D123/1/2.66** Thip Samphat DC-Cam Statement, at ENG 00987605-06. *See also* **D106/6** Kim Yet OCIJ Statement, at A10-A11 [“it was Yeay Chaem who ordered to have my team members arrested”].

¹³⁴ **D119/49** Thip Samphat OCIJ Statement, at A53-A54; **D123/1/2.66** Thip Samphat DC-Cam Statement, at ENG 00987610.

¹³⁵ **D119/49** Thip Samphat OCIJ Statement, at A55-A59; **D106/8** Thip Samphat OCIJ Statement, at A21.

¹³⁶ **D119/49** Thip Samphat OCIJ Statement, at A60-A64; **D106/8** Thip Samphat OCIJ Statement, at A27-A31; **D123/1/2.66** Thip Samphat DC-Cam Statement, at ENG 00987614-16.

¹³⁷ **D119/49** Thip Samphat OCIJ Statement, at A64; **D123/1/2.66** Thip Samphat DC-Cam Statement, at ENG 00987616. *See also* **D219/149** Chum Chim OCIJ Statement, at A34-A35 [stating that female prisoners were taken by guards to be raped].

¹³⁸ **D119/94** Bou Mao OCIJ Statement, at A37 [describing how women “related to Yuon” were arrested and taken away from mobile units at the Ou Lieb worksite in 1978]; **D219/130** Chhao Chat OCIJ Statement, at A150-A153 [describing how Vietnamese workers in his unit at Trapeang Thma were taken away and buried in nearby pit], A207 [stating that the Southwest group researched biographies to find Vietnamese]; **D123/1/2.57** Khor Mot DC-Cam Statement, at ENG 00987554; **D119/23** Buth Svoeuy OCIJ Statement, at

Vietnamese also took place at other locations in Preah Net Preah District while Im Chaem was District Secretary.¹³⁹ One witness heard Im Chaem talk about “ethnic screening,” and describes the arrest and disappearance of a Khmer Krom friend.¹⁴⁰

C. Responsibility for Purge of Northwest Zone

30. Im Chaem was entrusted by the Party Centre leaders to help oversee the first region to be ‘cleansed’ in the purge of the Northwest Zone that began with Sector 5 in June 1977 and continued until the arrest of Zone Secretary Ros Nhim in mid-1978.¹⁴¹ She has admitted that she arrived before the arrest of Preah Net Preah District Secretary Maong and Deputy Sâm-At, and met with them before they were taken away.¹⁴² A local cadre has described a meeting at which Im Chaem accused Sâm-At of being a traitor, after which he was arrested and taken away.¹⁴³ From Preah Net Preah, Sâm-At was sent to S-21.¹⁴⁴ A report dated 1 August 1977 described the status of his interrogation: “The torture has been quite harsh in the past, and his health is quite weak, but he still pretends to the maximum extent to not know much of anything.”¹⁴⁵ Former District Secretary Maong entered S-21 on 28 June 1977 and was executed on the 18th of October 1977, along with 69 other cadres from the Northwest Zone.¹⁴⁶
31. Cadres were typically arrested after being called to attend study sessions or meetings at

A20 [describing disappearance of 1,000 Vietnamese families from Trapeang Thma in early 1978].

¹³⁹ **D119/125** Mak Vanny OCIJ Statement, at A16-A18 [stating that truckloads of people accused of being Vietnamese were taken to be killed at Prey Tarut in 1978]; **D119/73** Nou Chuong OCIJ Statement, at A17-21 [testimony of witness ordered to bury corpses in Preah Net Preah commune that, shortly after their arrival, the Southwest cadres “started killing the Chinese, Vietnamese, the Lon Nol soldiers, the teachers and the Northwest Zone cadres”]; **D119/99** Pech Ruos OCIJ Statement, at A31-A33 [testifying that in July or August 1977, two Vietnamese female cadres were brutally killed and raped east of Phnum Lieb, on orders of the Southwest cadres, after background searches had been conducted]; **D119/121** Kor Len OCIJ Statement, at A3-A4, A11-20 [confirming executions, but denying rapes].

¹⁴⁰ **D219/13** Khun Sevinn OCIJ Statement, at A47-A49. *See also* **D119/121** Kor Len OCIJ Statement, at A55 [CPK policy to kill Vietnamese discussed at 1976 meeting led by former District Secretary Maong].

¹⁴¹ **D219/294** Moul Eng OCIJ Statement, at A64 [testimony of former CPK District Secretary that Chaem was given power to remove Northwest cadres]; **D119/124** Nhem En OCIJ Statement, at A23-A27 [“Ta Mok assigned trusted cadres from the Southwest to lead all the other Zones, including the Northwest Zone” – loyal cadres from the Southwest like Im Chaem were sent to “smash” cadres “suspected of being CIA, KGB or Vietnamese agents”].

¹⁴² **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089773 [“Upon my arrival, Ta Maong and Ta At still survived. But after I got [the] list, both of them were taken away”]; **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217518-20; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951853.

¹⁴³ **D119/74** Chrach Kit OCIJ Statement, at A1; *see also* **D119/98** Kor Len OCIJ Statement, at A20 [younger brother of Sâm-At also taken away to be killed].

¹⁴⁴ **D1.3.25.4** S-21 Prisoner List, September 1977, at ENG 00837611 (No. 52); **D191.1.110** S-21 Confession of Mak Leung alias Sam-At, 8 August 1977.

¹⁴⁵ **D191.1.110** S-21 Confession of Mak Leung alias Sam-At, 8 August 1977, at ENG 00782190.

¹⁴⁶ **D191.1.111** S-21 List of Prisoners Smashed on 18 October 1977, at ENG 00873645 (No. 134); **D6.1.883** OCP Revised S-21 Prisoner List [No. 57]; **D1.3.4.1** S-21 Confession of An Maong, 24 September 1977.

the district office.¹⁴⁷ A former mobile unit group chairman has described a meeting at Im Chaem's house, to which Preah Net Preah commune chief Ta Krâk, Sreh cooperative chief Ta Cham and two other local cadres were called. The witness heard screams coming from the meeting, and states that the four cadres thereafter disappeared and were never seen again.¹⁴⁸ Another witness identifies a local cadre who was summoned to Im Chaem's house and taken away to be killed, after it was reported to Chaem that 2 women had visited the cadre's house.¹⁴⁹ Im Chaem held meetings at which she denounced the Northwest cadres as "traitors" and discussed "destroying the internal enemies."¹⁵⁰

32. Im Chaem acknowledges that the CPK wanted her to "arrest people and village chiefs," but claims that she "hid" people rather than arrest them.¹⁵¹ However, a former member of the Preah Net Preah District Committee, whom Im Chaem identified as a person she "decided to keep" and "protected" from arrest,¹⁵² was one of only a handful of Northwest cadres from the district who survived.¹⁵³ He states that the reason he was kept alive was to help the Southwest cadres arrest and purge the old Northwest cadres.¹⁵⁴ The other known Northwest cadre survivor describes "chaos" when the Southwest cadres arrived, and states that he survived because his name was not on the "list" compiled by the

¹⁴⁷ **D119/98** Kor Len OCIJ Statement, at A23-A24 [Preah Net Preah soldiers "called for study" and never returned]; **D219/130** Chhao Chat OCIJ Statement, at A86-A89 [Northwest cadres "called away to study" after meeting at which Southwest cadres announced they would "clean out the old ones"]; **D119/33** Chhit Yoeuk OCIJ Statement, at A14 ["A group of people who made an arrest were from the Southwest Zone. The cadres would be called to a meeting at the district office and then arrested"]; **D219/173** Lies Sdeung OCIJ Statement at A31-A34 [describing arrests of Tean Kam commune cadres after arrival of Chaem].

¹⁴⁸ **D119/121** Kor Len OCIJ Statement, at A35-A44 [identifying Phnum Lieb Commune Com Ta Theang and Trapeang Thma Bridge Construction Chairman Ta Mung as the other 2 victims]; *see also* **D119/99** Pech Ruos OCIJ Statement, at A22, A26-A27.

¹⁴⁹ **D119/99** Pech Ruos OCIJ Statement, at A35 [discussing local cadre Sâm Bun].

¹⁵⁰ **D119/91** Chiem Tab OCIJ Statement, at A15 [testimony of cooperative chief present at meeting at which Im Chaem announced former Sector 5 Secretary Hoeng was a "traitor"]; **D119/143** Kheang Khun OCIJ Statement, at A65; **D219/13** Khun Sevinn OCIJ Statement, at A36-A38; **D101/1.1** Por Bandet OCIJ Statement at ENG 00746366 [describing 1977 meeting at which Chaem warned of "embedded enemies"].

¹⁵¹ **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951808; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089782.

¹⁵² **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951803 & 00951808; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089782 [claiming she ignored 3 letters from the Zone office requesting his arrest]; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951853-54.

¹⁵³ **D219/23** Pum Kho OCIJ Statement, at A51-A52 ["To my knowledge, only I survived"], A53 [to make people less likely to resist arrest, "the Southwest cadres ordered the arrests of the Northwest cadres by their fellow Northwest cadres because they thought that they would recognize one another"], A77-A80 [identifying Phnum Lieb village chief Sokh as another local cadre who was not arrested]. *See also* **D119/32** Chhim Phôn OCIJ Statement, at A27 [testimony of former Preah Net Preah commune member that he and Kho were the only 2 cadres "still alive after the arrival of the Southwest Zone group"].

¹⁵⁴ **D219/359.1** DC-Cam Report re Interview of Pum Kho, at ENG 01112057, 01112059 ["they decided to keep him and make use of him for a while because it would be easy for them to search for people and old cadres of the Northwest Zone and arrest them more respectively with his help"].

newcomers.¹⁵⁵ In total, over 1,200 Northwest Zone cadres were sent to S-21 and killed, the vast majority between June 1977 and May 1978.¹⁵⁶ Witnesses have confirmed that many people were arrested and disappeared during the period Im Chaem was Preah Net Preah District Secretary.¹⁵⁷ The purge extended to village chiefs, mobile unit chiefs, military commanders (down at least to the platoon level) and their families.¹⁵⁸ Many of the arrested cadres, even those later sent to S-21, were detained and interrogated at the Sector security offices in Svay Sisophon,¹⁵⁹ and some were sent to Phnom Trayoung.¹⁶⁰

33. Im Chaem was aware that she was named in confessions and that Zone Secretary Nhim wanted to arrest her, but states that Pol Pot refused to approve her arrest.¹⁶¹ (Two S-21 confessions implicating Im Chaem have been identified.¹⁶²) These admissions establish Im Chaem's knowledge of the use of S-21 confessions to identify alleged traitors and

¹⁵⁵ **D219/347** Chhim Phôn OCIJ Statement, at A25, A55-A56 [expressing relief he was still alive “because they arrested so many people”]. *See also* **D119/32** Chhim Phôn OCIJ Statement, at A27, A49 [stating that Chaem was a “good person” who was “more reasonable than other district committee members”], A55 [“I do not believe that under her control there were thousands of people dying”]. Chhim Phôn has admitted that in 1977, after the arrival of Yeay Chaem and the Southwest cadres, he killed a couple accused of moral misconduct at Wat Preah Net Preah, on orders from District Deputy At (**D219/347** Chhim Phôn OCIJ Statement, at A1-A8, A18).

¹⁵⁶ **D6.1.890** OCP List of S-21 Prisoners Coming from the Northwest Zone.

¹⁵⁷ **D119/94** Bou Mao OCIJ Statement, at A43-A44 [“Many people disappeared under the rule of Yeay Chaem ... Those arrested included Northwest cadres and people living here in this village”]; **D119/99** Pech Ruos OCIJ Statement, at A36 [“at the place under control of Yeay Chaem, arrests and killings increased”]; **D219/13** Khun Sevinn OCIJ Statement, at A36-A38 [stating that all the Northwest cadres were taken to be killed, after which Yeay Chaem held meetings criticizing the purged cadres for wanting to flee to Thailand], A40; **D219/173** Lies Sdeung OCIJ Statement at A31-A34, A49-A50 [also noting that “all the people were afraid” of Yeay Chaem because of her “strong power”]; **D123/1/2.57** Khor Mot DC-Cam Statement, at ENG 00987571 [describing Sector 5, under the Southwest cadres, as “absolutely the most notorious of sectors” in terms of “food rations and executions”]; **D119/73** Nou Chuong OCIJ Statement, at A25-A26 [witness told by militiamen that Yeay Chaem ordered the arrests of Northwest cadres].

¹⁵⁸ **D119/32** Chhim Phôn OCIJ Statement, at A31 [identifying village and cooperative chiefs in Preah Net Preah Commune who were purged and replaced by “women cadres from the Southwest Zone”]; **D119/98** Kor Len OCIJ Statement, at A19, A21-A24 [Southwest group arrested Northwest cadres, including “chiefs of mobile units and the chiefs of battalions/regiments,” and accused them of being “traitors”]; **D219/318** Dan Tâm OCIJ Statement, at A23-A24 [describing arrest of her husband, a Zone platoon commander].

¹⁵⁹ **D219/318** Dan Tâm OCIJ Statement, at A4-A6, A34-39 [describing detention, interrogation, torture and execution of CPK soldiers and militia imprisoned at Chamkar Kor security office in Svay Sisophon, including her husband], A46 [describing inspection of prison by Southwest cadres “holding books and taking notes for verification”].

¹⁶⁰ *See, e.g.*, **D219/318** Dan Tâm OCIJ Statement, at A62; **D219/175** Hang Horn OCIJ Statement, at A31-A33.

¹⁶¹ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089780-81 [“They said they wanted to arrest me. I was implicated in the confession of those who were arrested”]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951808-09 [“Pol Pot told them that he did not approve my arrest ... he grasped my background well”]; **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217525.

¹⁶² **D1.3.4.6** S-21 Confession of Northwest Zone Deputy Secretary Kung Sophal alias Koe, 5 December 1978, at ENG 00217743 [naming “Chaem (f), Secretary of Preah Net Preah District”]; **D1.3.4.4** S-21 Confession of Sector 5 Secretary Heng Rin alias Mei, 24 November 1978, at ENG 00217736 [implicating “Chaem, ex-Southwest Zone cadre, later Northwest Zone cadre” and her husband Nhen]. Im Chaem appears to have been aware that she was named in the S-21 confession of Heng Rin, the Sector 5 Secretary originally from Kampot. *See* **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089780 [identifying the “provincial chief of Kampot,” in response to question on who had implicated her].

conduct further arrests and executions. The fact she never was arrested indicates that she was trusted and protected by the top Party leaders in Phnom Penh.

D. Responsibility for Forced Labour Worksites

34. Im Chaem has admitted her responsibility for the construction of dams and canals in Preah Net Preah District and Sector 5 of the Northwest Zone. She acknowledges that she assigned labour forces to work at the Trapeang Thma Dam, and visited, attended meetings and supervised the Preah Net Preah workers at that site.¹⁶³ She also describes how she personally initiated and oversaw the completion of other irrigation projects in Preah Net Preah District, including one known as the “Yeay Chaem Dam.”¹⁶⁴ That project included a 30-metre wide and 8 to 10 kilometer long canal running along the east side of Phnom Lieb, which was built in only three months.¹⁶⁵ She personally contacted Pol Pot to request his assistance,¹⁶⁶ and states that “upper Angkar paid attention to [her] work.”¹⁶⁷ She admits that she directed the workers at those sites, her orders were “very strict/firm,” and people who did not do their work were afraid of her.¹⁶⁸
35. The large irrigation project that Im Chaem was responsible for building is most commonly referred to as the Spean Sraeng or Ou Lieb dam and canals. The Spean Sraeng

¹⁶³ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217523; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089771-74 [“I went to supervise that place and the below areas ... I sent my forces to fill up and help work”], 00089778-79 [“My forces consisted of 800 ... I mobilized 200 from each sub-district”]. See also **D123/1/2.57** Khor Mot DC-Cam Statement, at ENG 00987568-69; **D119/90** Chuon Pheap OCIJ Statement, at A12; **D219/130** Chhao Chat OCIJ Statement, at A109; **D219/361** Leuy Taes OCIJ Statement, at A44, A73-A76 [Chaem made weekly visits to site and urged workers to “work hard”]; **D119/124** Nhem En OCIJ Statement, at A16-A19 [witness met Im Chaem at Trapeang Thma Dam in June or July 1977]; **D67.9** Chhit Yoeuk DC-Cam Statement, at ENG 00731135 [statement of Sector 5 Mobile Economic Chief that Trapeang Thma Dam was only 30% complete as of the arrest of Ta Val and other Northwest cadres in June 1977], ENG 00731142 [Im Chaem visited Trapeang Thma].

¹⁶⁴ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217524 [“I started to make a plan and work on the construction”], 00217527-28 [“I had built 3 watergates per dam and another watergate at National Road No. 6”]; **D123/1/5.1c** Im Chaem DC-Cam Statement, 6 April 2012, at ENG 00951855; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089774-77 [stating that in 1978 she planned and built “2 dams and one canal which linked Trapeang Thma,” including Spean Sraeng]. See also **D219/253** Sann Hov OCIJ Statement, at A27; **D119/65** Tum Soeun OCIJ Statement, at A207 [confirming Chaem’s responsibility for dam and canal construction]; **D219/397** Bin Sokh OCIJ Statement, at A2-A6 [Chaem “instructed us to build the dams and dig the canals”]; **D119/98** Kor Len OCIJ Statement, at A32 [group chairman describes Im Chaem monitoring the worksites in Preah Net Preah District, and states that she sometimes helped workers carry the soil].

¹⁶⁵ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217524 [“It took me only 3 months to build this channel”], 00217527-28; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089775-76 [“We built a canal with 30-meter width and 10-kilometer length that connects from Trapeang Thma down to O-Chik river”]; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951810.

¹⁶⁶ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217524.

¹⁶⁷ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089776.

¹⁶⁸ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217526, 00217547.

Dam was built on the border of Preah Net Preah and Kralanh districts.¹⁶⁹ It was connected to a series of canals that ran south from Spean Sraeng commune (Phnom Srok District) across Tuek Chour, Phnum Lieb and Prasat communes (Preah Net Preah District) to a 10-kilometer long and wide reservoir in Prey Roneam.¹⁷⁰ The Spean Sraeng dam and one of its canals may have been started in 1977 before the arrival of the Southwest cadres,¹⁷¹ but most of the irrigation project (including the 10-km reservoir) was built in 1978 and overseen by Im Chaem.¹⁷² Over 10,000 people worked at these sites.¹⁷³

36. While Im Chaem claims that the people in her district agreed with these work projects and were “happy” to work “very hard day and night with no supervision” in order to meet deadlines,¹⁷⁴ OCIJ’s investigation does not support her claim. Two witnesses who worked at the Spean Sraeng and Trapeang Thma dams, one of whom was the chairman of a unit of 200 workers, have described “very thin workers” who sought to escape from the worksites, but were arrested and sent back by Im Chaem’s forces.¹⁷⁵ The unit chairman

¹⁶⁹ **D119/97** Lun Ruob OCIJ Statement, at A7, A15; **D119/143** Kheang Khun OCIJ Statement, at A76.

¹⁷⁰ **D6.1.825** DK Radio Broadcast, 8 September 1978, at ENG 00170355 [referencing “irrigation complex connected to the Stoeng Sreng River”]; **D219/130** Chhao Chat OCIJ Statement, at A195-A197, A208-A218 [describing “two Spean Sraeng canals” that met between Char Leu and Char Kraom villages, and two Ou Lieb canals]; **D119/93** Chan Phon OCIJ Statement, at A24 [stating that the Ou Lieb Dam site was south of National Road 6 and three kilometres east of Phnum Lieb]; **D219/397** Bin Sokh OCIJ Statement, at A5-A6 [Ou Lieb canal ran “to the North until Spean Sraeng Bridge”]; **D106/10** Rim Seut OCIJ Statement, at A29 [Prey Roneam reservoir was 10 km by 10 km]; **D119/92** Sum Tao OCIJ Statement, at A31-A32 [OCIJ investigator confirms that Ou Lieb Canal and Spean Sraeng Dam are part of same site]. While some witnesses use Spean Sraeng and Ou Lieb interchangeably, others refer to the northern part of the project as Spean Sraeng and the southern part as Ou Lieb. *See, e.g.,* **D119/98** Kor Len OCIJ Statement, at A27-A30 [describing Spean Sraeng as starting in Phnom Srok district, and Ou Lieb as the reservoir at Prey Roneam]; **D219/127** Prang Sal OCIJ Statement, at A19 [Ou Lieb canal “located south of National Road 6”].

¹⁷¹ **D219/149** Chum Chim OCIJ Statement, at A9-A12; **D119/40** Chhay Phan OCIJ Statement, at A15; **D1.3.10.1** Weekly Report of Sector 5 Committee, 21 May 1977, at ENG 00342719 [“In Preah Net Preah District, Sangkat Prasat is storming to complete one canal of 500 metres long with the upper mouth 12 metres wide, 2 metres in low bottom, 4 metres in depth, which was dug from Spean Sreng River to the dam near Wat Cha”].

¹⁷² **D119/121** Kor Len OCIJ Statement, at A38 [“Spean Sraeng Dam was completed during March or April 1978, and we went to work at Phnum Lieb Dam worksite around June or July 1978”], A39 [Phnum Lieb under control of Im Chaem]; **D119/93** Chan Phon OCIJ Statement, at A16-A17 [witness worked at Ou Lieb Dam in 1978, and states that Chaem and Soeun governed the worksite]; **D219/397** Bin Sokh OCIJ Statement, at A4-A6 [describing Ou Lieb canal that Chaem “instructed people to dig”]; **D67.9** Chhit Yoeuk DC-Cam Statement, at ENG 00731142 [canal east of Phnum Lieb]; **D119/110** Chum Kan OCIJ Statement, at A65-A70; **D67.10** Mun Mut DC-Cam Statement, at ENG 00731175, 00731186; **D119/65** Tum Soeun OCIJ Statement, at A124, A128; **D6.1.813** DK Radio Broadcast, 23 July 1977, at ENG 00168507 [referencing plan to construct “another dike around Stoeng Sreng so as to turn this area into a 10-km water reservoir”]; **D1.3.30.19** Report from NW Zone Secretary Nhim, 11 May 1978, at ENG 00185217 [“construction of a water reservoir located from Sreng Bridge to as far as Tuol Phnom Srok has nearly been finished, and only its sluice gate has yet to be done”].

¹⁷³ **D119/110** Chum Kan OCIJ Statement, at A48-A49 [“Tens of thousands of people were collected from the villages of the entire province”]; **D119/93** Chan Phon OCIJ Statement, at A25 [“thousands of workers”]; **D219/1** You Mut OCIJ Statement, at A85.

¹⁷⁴ **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217524-25.

¹⁷⁵ **D119/94** Bou Mao OCIJ Statement, at A29-A32; **D119/121** Kor Len OCIJ Statement, at A26-A30 [stating

describes how Im Chaem “had us work hard when she came to monitor the worksites,” and states that workers who made mistakes were afraid of her, because those who worked slowly were sent for refashioning and those considered to have “a tendency to oppose Angkar” were killed.¹⁷⁶ He also states that the living conditions at Im Chaem’s worksites were “worse than before,” as “sometimes we did not have any food.”¹⁷⁷

37. Other witnesses confirm the inhumane conditions at the Spean Sraeng worksites. Work began at 5:00 in the morning and continued until 10:00 at night or later,¹⁷⁸ with no rest days.¹⁷⁹ Work quotas were imposed, with workers required to move up to 3.5 cubic metres of soil each day.¹⁸⁰ Food rations were insufficient,¹⁸¹ and were reduced for sick workers and those who did not fulfill quotas.¹⁸² There were deaths from overwork, exhaustion and starvation, and workers who were arrested and disappeared.¹⁸³ The

that he was informed of the capture of those workers by Chaem’s messengers, but also asserting that those workers who were too thin to work were sent to the hospital or returned to their cooperatives], A32 [stating that escapes of workers were reported to Im Chaem, who would then order militiamen to “search for those escapees and bring them back” to the worksite]. *See also* **D5/1616/1** Chhin Sang Civil Party Application, at ENG 01092560-61 [worker who tried to flee worksite sent to Phnom Trayoung on orders of Chaem].

¹⁷⁶ **D119/98** Kor Len OCIJ Statement, at A32-A35, A41.

¹⁷⁷ **D119/98** Kor Len OCIJ Statement, at A42.

¹⁷⁸ **D119/93** Chan Phon OCIJ Statement, at A26 [describing periods when work continued throughout the night]; **D106/10** Rim Seut OCIJ Statement, at A7 [work at Prey Roneam site started at 1 a.m. and finished at 8 or 9 p.m.]; **D119/42** Kret Ret OCIJ Statement, at A23; **D5/1360/1** Chhin Phuong Civil Party Application.

¹⁷⁹ **D119/93** Chan Phon OCIJ Statement, at A27.

¹⁸⁰ **D106/10** Rim Seut OCIJ Statement, at A8; **D119/93** Chan Phon OCIJ Statement, at A26 [quota initially 2 cubic metres per day, but later increased to 3 or 5 cubic metres]; **D119/153** Kong Vin OCIJ Statement, at A19 [stating that Chaem “set the work quota of 3 cubic metres of earth per day”]; **D219/175** Hang Horn OCIJ Statement, at A27; **D5/937/1** Phon Phar Civil Party Application; **D5/1360/1** Chhin Phuong Civil Party Application; **D5/962/1** Eam Vuy Civil Party Application [3 cubic metres per day]; **D5/1624/1** Proek Savanh Civil Party Application [3 cubic metres per day]; **D5/928/1** Ross Thonn Civil Party Application [4 cubic metres per day]. For groups that continued working on the canals in the rainy season, work quotas and hours were reduced. **D219/130** Chhao Chat OCIJ Statement, at A238-A239.

¹⁸¹ **D219/130** Chhao Chat OCIJ Statement, at A240-A242 [workers received 2 meals per day, consisting of “water lily soup” and “two ladles of gruel”]; **D119/153** Kong Vin OCIJ Statement, at A20 [“single scoop of thin gruel per meal”]; **D119/98** Kor Len OCIJ Statement, at A42; **D219/1** You Mut OCIJ Statement, at A84; **D106/10** Rim Seut OCIJ Statement, at A16; **D119/42** Kret Ret OCIJ Statement, at A23; **D5/935/1** Ruos Oeut Civil Party Application [1 can of rice for 20 workers]; **D5/928/1** Ross Thonn Civil Party Application [“watery porridge”]. *See also* **D219/253** Sann Hov OCIJ Statement, at A24 [work conditions under Chaem were “very bad,” and workers only received “watery rice gruel”].

¹⁸² **D219/130** Chhao Chat OCIJ Statement, at A243 [sick people received “only one ladle of gruel”]; **D119/153** Kong Vin OCIJ Statement, at A19; **D5/1110/1** Ourm Chea Civil Party Application, at ENG 01025956; **D5/1030/1** Pen Chan Po Civil Party Application, at ENG 00991187.

¹⁸³ **D119/42** Kret Ret OCIJ Statement, at A20 [witnessed “many people” arrested, “mostly at Spean Sraeng dam”]; **D119/94** Bou Mao OCIJ Statement, at A51; **D123/1/2.53** Bou Mao DC-Cam Statement, at ENG 00969912-13 [“Many people died” at Ou Lieb reservoir]; **D119/93** Chan Phon OCIJ Statement, at A29-A30; **D219/253** Sann Hov OCIJ Statement, at A24 [“numerous people died from starvation”]; **D219/397** Bin Sokh OCIJ Statement, at A35; **D5/880/1** Man Ban Civil Party Application; **D5/937/1** Phon Phar Civil Party Application; **D5/1251/1** Mat Chheuy Civil Party Application; **D5/1360/1** Chhin Phuong Civil Party Application; **D5/1093/1** Mles Oat Civil Party Application [sick worker accused of “consciousness illness” by Im Chaem and sent to Phnom Trayoung]. *See also* **D119/131** Thang Thoeuy OCIJ Statement, at A83-A90 [describing killings of 5 pregnant women at Trapeang Thma Dam, which her unit chief said had been

workers were guarded by militia so they could not escape.¹⁸⁴

38. A number of witnesses describe the work and living conditions as being better during the period the sites were supervised by Northwest Zone cadres, and worsening when the Southwest cadres took control.¹⁸⁵ While Im Chaem claims to have solved food shortages in Preah Net Preah,¹⁸⁶ survivors from the district state that starvation became “severe” in late 1977 and many died.¹⁸⁷ A 6 November 1977 telegram from the Northwest Zone Office (Mo-560) reported that ordinary people were “fleeing one after another” from Preah Net Preah District.¹⁸⁸ At a 1978 meeting in Battambang, Ta Mok “scolded Yeay Chaem for starving people under her command.”¹⁸⁹
39. Before he served as Phnom Trayoung prison chief, Tum Soeun was appointed by Im Chaem to be the head of a 300-person mobile unit working on these canals.¹⁹⁰ Soeun has testified that the canal was built completely by hand, without any machinery, and that there were food shortages in the mobile units.¹⁹¹ He admits the people were not free to go back to their villages if they did not want to work on the canal, and that those who

ordered by Chaem].

¹⁸⁴ **D219/127** Prang Sal OCIJ Statement, at A16 [testimony of member of commune militia assigned to guard workers at Ou Lieb canal]; **D119/93** Chan Phon OCIJ Statement, at A28.

¹⁸⁵ **D119/98** Kor Len OCIJ Statement, at A42; **D219/149** Chum Chim OCIJ Statement, at A8, A13, A16; **D119/155** Lach Chheanlong OCIJ Statement, at A37 [testimony of unit chief that work requirements increased and food rations decreased under Southwest cadres]; **D219/361** Leuy Taes OCIJ Statement, at A87-A90 [describes Chaem increasing work quota from 1 to 3 cubic metres per day at Trapeang Thma]; **D219/130** Chhao Chat OCIJ Statement, at A120 [after arrival of Southwest group at Trapeang Thma, food rations in his group were reduced from “five cans of rice to feed 10 people” to “only one can of rice for 30 people”], A153 [“when Yeay Chaem was in charge, many people were killed”]; **D119/93** Chan Phon OCIJ Statement, at A11-A12; **D119/139** Mun Mot OCIJ Statement, at A47.

¹⁸⁶ **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089777, 00089779-80; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951805 [“When I arrived, I let them go out to find their own food. I gave them rice whenever they needed it”].

¹⁸⁷ **D219/359.1** DC-Cam Report on Interview of Pum Kho, at ENG 01112059; **D219/152** Meth Doung OCIJ Statement, at A8-A9 [testimony of hospital medic that more people died of starvation after arrival of Southwest cadres]; **D219/294** Moul Eng OCIJ Statement, at A58; **D119/98** Kor Len OCIJ Statement, at A13 [“under the control of the Southwest group, things were extremely difficult because we did not have sufficient food”]; **D119/19** Phon Mon OCIJ Statement, at A14 [food rations worse after arrival of Southwest]; **D219/130** Chhao Chat OCIJ Statement, at A92-A94 [food rations reduced by Southwest group, “people were starving” and those who dug potatoes to eat were “arrested and killed”]; **D106/10** Rim Seut OCIJ Statement, at A31 [“when the Southwest took over, we only had gruel ... a can of rice was rationed to feed 10 people”]; **D119/154** Iv Mara OCIJ Statement at A42 [under Southwest cadres, given “just a single spoon of rice” each day].

¹⁸⁸ **D6.1.794** Telegram from San to Brother Nhim, 6 November 1977. *See also* **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 June 2008, at ENG 00951809-10 [admitting people were “defecting from my district”].

¹⁸⁹ **D219/294** Moul Eng OCIJ Statement, at A58 [testimony of former Bavel District Secretary].

¹⁹⁰ **D119/65** Tum Soeun OCIJ Statement, at A96 [“Yeay Chaem appointed me to lead the mobile unit to dig a canal in Preah Net Preah District”], A111, A122; **D123/1/5.1a** Im Chaem DC-Cam Statement, 4 March 2007, at ENG 00089774 [identifying Soeun as person who worked for her at the dam site]; **D119/93** Chan Phon OCIJ Statement, at A17 [Soeun and Yeay Chaem in charge of Ou Lieb Dam worksite].

¹⁹¹ **D119/65** Tum Soeun OCIJ Statement, at A107.

disobeyed instructions were sent for re-education.¹⁹² He states that there were “thousands of people” working at the site, that all the mobile units reported to Im Chaem, and that she came to inspect the worksite every 2 or 3 days.¹⁹³

40. Other witnesses also confirm Im Chaem’s presence at the Spean Sraeng-Ou Lieb worksite.¹⁹⁴ One describes a meeting, attended by representatives from all districts in Sector 5, at which Im Chaem “talked about storming attacks to accomplish work plans and said that if goals were not achieved, we would be punished.”¹⁹⁵ He subsequently witnessed three workers arrested and taken away for failing to meet quotas.¹⁹⁶ Im Chaem’s former messenger has testified that workers at the canal sites who were considered “lazy or weak” were arrested and sent to Phnom Trayoung to break rocks.¹⁹⁷ Another witness describes how 80 to 90 people who spoke against Angkar at a meeting led by Ta Mok and Im Chaem were taken away by truck and killed at Trapeang Thma.¹⁹⁸
41. At Phnom Trayoung, serious offence prisoners were required to work in a quarry digging and breaking rocks that were used for the construction of dams and floodgates.¹⁹⁹ At night, those prisoners were shackled in a building on the north side of Phnom Trayoung,²⁰⁰ pursuant to instructions from Im Chaem.²⁰¹

¹⁹² **D119/65** Tum Soeun OCIJ Statement, at A138-A140.

¹⁹³ **D119/65** Tum Soeun OCIJ Statement, at A112, A123-A124, A207.

¹⁹⁴ **D119/93** Chan Phon OCIJ Statement, at A22-A23 [witnessed Im Chaem at Ou Lieb worksite twice, “escorted by 5 to 10 armed soldiers”]; **D119/98** Kor Len OCIJ Statement, at A32 [group chairman witnessed Chaem “monitoring the worksite” and sometimes helping to carry soil]; **D106/10** Rim Seut OCIJ Statement, at A23-A25; **D119/69** Kroch Toem OCIJ Statement, at A139-A140 [stating that Im Chaem held meetings at Spean Sraeng and “pushed us to work harder and faster”]; **D67.10** Mun Mut DC-Cam Statement, at ENG 00731175, 00731186.

¹⁹⁵ **D119/93** Chan Phon OCIJ Statement, at A19-A20. *See also* **D119/110** Chum Kan OCIJ Statement, at A51, A55-A57 [testimony of Phnum Lieb commune chief that village and commune chiefs were warned they “would be in trouble” if their units did not achieve the plans]; **D106/4** Lay Khann OCIJ Statement, at A22.

¹⁹⁶ **D119/93** Chan Phon OCIJ Statement, at A29-A30.

¹⁹⁷ **D219/397** Bin Sokh OCIJ Statement, at A34-A35.

¹⁹⁸ **D119/66** Bin Heuy OCIJ Statement, at A15.

¹⁹⁹ **D119/65** Tum Soeun OCIJ Statement, at A154, A159, A162, A168; **D106/7** Sum Sal OCIJ Statement, at A14-A15 [“Male prisoners were assigned to break rocks while female prisoners were asked to do farming”]; **D219/127** Prang Sal OCIJ Statement, at A29; **D119/159** Leng Voeng OCIJ Statement, at A51-A52.

²⁰⁰ **D106/8** Thip Samphat OCIJ Statement, at A21 [shackled prisoners detained in a building north of the mountain]; **D119/30** Phoun Suntty OCIJ Statement, at A18-A19 [Phnom Trayoung detainee who was shackled by the ankle with 30 serious offence prisoners]; **D106/7** Sum Sal OCIJ Statement, at A15 [testimony of former guard that serious offence prisoners were “handcuffed in the halls and guarded”]; **D219/230** Leng Voeng OCIJ Statement, at A15-A16; **D119/94** Bou Mao OCIJ Statement, at A33 [witness shackled in detention building with 4 rows]; **D219/149** Chum Chim OCIJ Statement, at A24; **D219/102** Tum Soeun OCIJ Statement, at A41-A43 [admitting serious-offence prisoners were shackled at night].

²⁰¹ **D219/102** Tum Soeun OCIJ Statement, at A45 [stating that Im Chaem “would decide whether or not to have the prisoners unshackled”].

E. Responsibility for Forced Marriage

42. One former female cadre describes Im Chaem's involvement in forced marriages, stating that women were called "again and again" to meetings at which Im Chaem "encouraged those women to get married."²⁰² A civil party has described being forced to marry in a mass ceremony of 85 couples, presided over by Im Chaem.²⁰³ She states that she only proceeded with the marriage because she was threatened to be killed, and that Im Chaem ordered the militia to spy on the married couples and kill those who did not consummate their marriage.²⁰⁴

F. Civil Party Applications Alleging Crimes in Preah Net Preah

43. While Im Chaem claims that she was "cheered," thanked and beloved by the people of Preah Net Preah District for her efforts to improve their livelihood,²⁰⁵ the witnesses interviewed by OCIJ tell a very different story, as set forth above. The reality of Im Chaem's legacy is also seen in the large number of civil party applicants in Case 004 who have come forward to complain of crimes committed in Preah Net Preah District. The ICP has identified over 100 Civil Party Applicants who describe crimes committed in that district during the period Im Chaem served as District Secretary. (Those civil party filings are listed and summarized in **Annex B.**) Many of those victims specifically identify Im Chaem by name as a person responsible for the crimes committed against them and their relatives.²⁰⁶ The large number of civil party applicants, particularly compared to the number of civil parties for Case 002 crime sites,²⁰⁷ demonstrates the strong public interest in the prosecution of Im Chaem for the crimes committed in her district.

IV. SUBMISSIONS OF INTERNATIONAL CO-PROSECUTOR

44. The ICP submits that Im Chaem was not a "senior leader" of the DK regime within the

²⁰² **D119/108** Sok Rum OCIJ Statement, at A108-A110 [also stating that those who refused to marry would "definitely be arrested"].

²⁰³ **D119/131** Thang Thoeuy OCIJ Statement, at A65-A72. *See also* **D5/1501/1** Srep Samuth Civil Party Application [describing forced marriage of 28 couples presided over by "Comrade Chem"]; **D5/1033/1** Rit Thuong Civil Party Application [told by Comrade Chaem that she had to marry a man].

²⁰⁴ **D119/131** Thang Thoeuy OCIJ Statement, at A73-A74, A77-A82.

²⁰⁵ *See, e.g.*, **D1.3.12.1** Im Chaem Interview, 26 April 2007, at ENG 00217521-22 ["people cheered for my hard works and achievement by shouting that: *now we can see the true light of the revolution*"], 00217525 ["they were happy with me and even today these people still [keep] in touch with me"].

²⁰⁶ All such references to Im Chaem have been highlighted in **Annex B.**

²⁰⁷ For example, 51 civil parties were admitted in Case 002 in relation to the Tram Kak Cooperatives, 45 in relation to the 1st January Dam, 31 for the North Zone Security Center, 27 for the Sang Security Centre, 17 for the Srae Ambel salt fields and only 9 for the Kampong Chhnang airport site. **CF2-D427** Closing Order, para. 322, 368, 382, 399, 488, 588. It should also be noted that there are at least 300 other Case 004 Civil Party Applicants who have alleged crimes in other parts of Sector 5 for which Im Chaem had responsibility as a Member of that Sector Committee.

meaning of the ECCC Law and Agreement. She was not a member of the CPK Standing or Central Committees. Her highest positions were that of a District Secretary (Koh Andet and Preah Net Preah) and Member of the Committees for Sector 13 and Sector 5, including Deputy Secretary of Sector 5. While these positions were very significant, giving her control over numerous militia forces and the lives of tens of thousands of civilians, she was below the Standing Committee, Central Committee, Zone and Sector Secretaries in the CPK hierarchy, and in the opinion of the ICP was not a “senior leader of Democratic Kampuchea.”

45. The ICP submits, however, that Im Chaem was among those “most responsible” for the crimes committed during the DK regime within the meaning of the ECCC Law and Agreement. The evidence collected in the Case 004 investigation to date establishes that, as a CPK official of significant rank, Im Chaem played a key role in the commission of crimes which affected the lives of tens of thousands of individuals, and which caused many thousands of deaths.
46. Im Chaem had a high level of responsibility when she participated in these crimes. As the Preah Net Preah District Secretary from June 1977 to January 1979, she exercised near absolute authority over the lives of the 100,000 people living in her district. Those people were subjected to forced labour in conditions amounting to enslavement – suffering a lack of food, lack of medical care and overwork – and were denied all fundamental human rights, including freedom of movement, speech, association, religion and family life. Those who disobeyed her authority were arrested, and tens of thousands killed.
47. Im Chaem’s authority included the power to order arrests and detentions in security centers where executions were routine. She played a critical role in the establishment and operation of the Phnom Trayoung Security Centre, one of the largest security offices in Democratic Kampuchea, which was capable of holding over one thousand detainees at any one time. During its 18 months of operation, well over ten thousand people were executed. Im Chaem’s participation in crimes also included mass executions of Vietnamese and persons associated with the former regime, which she organized and directed. She also played an instrumental role in the purge of the Northwest Zone, which resulted in the torture and execution of over 1,200 cadres at S-21 and countless others at the Sector 5 security office.
48. As a Member of the Sector 13 Committee from before 1975 to June 1977, and a Member

(and later Deputy) of the Sector 5 Committee from June 1977 to the end of the DK regime, Im Chaem had input on decisions and the implementation of CPK policy in two key regions of the country: Takeo and Battambang. She had a close relationship with Ta Mok, and led meetings at which district and commune cadres were instructed on the implementation of the Party's forced labour, enemy and forced marriage policies. Im Chaem's influence and authority thus went well beyond the specific districts for which she had responsibility.

49. Moreover, the crimes for which Im Chaem was responsible were not isolated incidents, but crimes that occurred continuously throughout the time she held these positions of authority. These crimes took place at worksites she personally supervised and at a security centre located no more than 200 metres from her house, where prisoners were sometimes brought before entering Phnom Trayoung.
50. The ICP acknowledges that Im Chaem's responsibility for the crimes of the DK regime is less than that of the Accused currently on trial in Case 002 and the other Case 003 and 004 Suspects. However, her level of responsibility is roughly equivalent to that of Kaing Guek Eav *alias* Duch, the Accused in Case 001, and probably greater than that of Case 002 Accused Ieng Thirith. While Duch played a more direct and proximate role in the killings and torture at S-21, Im Chaem had a higher level of authority, controlling the lives of many times more civilian victims and exercising authority over a security center where the number of victims was the same or greater than that at S-21 over a much shorter period of operation. While Ieng Thirith held a Minister position and played a role on a national level, she did not have militia forces or a security office under her immediate control, only exercised authority over 1,200 to 1,300 persons, and was directly connected to far fewer arrests than Im Chaem. Ieng Thirith's contributions to crimes were therefore not as proximate nor as significant as Im Chaem's contribution to crimes.
51. Given this evidence, the ICP considers that Im Chaem qualifies as a non-senior leader of the Khmer Rouge who is among those "most responsible" for the crimes committed during the DK regime within the meaning of the ECCC Law and Agreement. The prosecution of Im Chaem, a CPK official responsible for crimes on a massive scale that caused suffering to a population of over 100,000 Cambodian citizens and resulted in the death of tens of thousands, would advance the pursuit of justice and the purposes for which the ECCC was established.

52. The positive and peaceful reaction of the people of Cambodia to the conviction of Nuon Chea and Khieu Samphan, the highest surviving Khmer Rouge leaders, has demonstrated that prosecution of a limited number of CPK officials is not a threat to the peace and security of Cambodia. To the contrary, the trial has shown that such prosecutions help promote the perception among Cambodians that they now live in a society where brutal criminal policies such as those instituted by the DK regime will never again be tolerated.
53. The ICP therefore believes that proceeding with the investigation and prosecution of Im Chaem is an appropriate exercise of the discretion of the Office of Co-Investigating Judges and that if this prosecution proceeds, the work of the ECCC can be completed within a reasonable period of time.

Respectfully submitted,

Date	Name	Place	Signature
21 September 2015	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh	