

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

FILING DETAILS

Case No: 004/07-09-2009-ECCC/OCIJ

Party Filing: Office of Co-Prosecutors

Filed to: Co-Investigating Judges

Original language: English

Date of document: 18 July 2011

CLASSIFICATION

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

Classification by OCIJ:

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**CO-PROSECUTORS' SUPPLEMENTARY SUBMISSION REGARDING SECTOR 1
CRIME SITES AND PERSECUTION OF KHMER KROM**

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INTRODUCTION

1. Further to the Decision on the Co-Prosecutors' Supplementary Submission regarding Section 1 Crime Sites and Persecution of Khmer Krom, issued by the Co-Investigating Judges ("CIJs" or "OCIJ") on 30 June 2011 (the "Decision"),¹ the International Co-Prosecutor ("ICP") hereby files the Supplementary Submission² for a second time in identical form and requests the OCIJ to consider the Supplementary Submission on the merits.
2. Previously, by Order of 17 June 2011, the CIJs required the Co-Prosecutors to disclose whether a disagreement had been entered pursuant to Internal Rule 71(1), despite an express reference to such a disagreement in the text of the Supplementary Submission itself.³ On 21 June 2011, the Co-Prosecutors confirmed that a disagreement had indeed been recorded prior to the filing of the Supplementary Submission.⁴
3. Further, by the Decision of 30 June 2011, the CIJs held that the Supplementary Submission was invalid as the 30-day dispute settlement period mandated by Internal Rule 71(3) had not yet elapsed.⁵ For the reasons set out in paragraph 25, below, the International Co-Prosecutor hereby submits the Supplementary Submission in its original form, and requests the CIJs to undertake promptly the investigative actions described therein.
4. Pursuant to Internal Rules 53 and 55, the Co-Prosecutors submit this Supplementary Submission, which is intended to supplement and clarify the factual matters to be investigated by the Co-Investigating Judges ("CIJs" or "OCIJ") in Case 004. This Supplementary Submission adds new crime sites in Sector 1 of the Northwest Zone and crimes committed against the Khmer Krom in the Southwest and Northwest Zones, and clarifies and supplements the crimes to be investigated previously described in paragraph 73 of the Third Introductory Submission ("3rd IS"), based primarily on civil

¹ Decision on Co-Prosecutors' Supplementary Submission regarding Section 1 Crime Sites and Persecution of Khmer Krom, 30 June 2011, D27/3, ERN 00710771-73.

² Co-Prosecutors' Supplementary Submission regarding Section 1 Crime Sites and Persecution of Khmer Krom, 15 June 2011, D27, ERN 00706357-67.

³ *Ibid.*, para. 22.

⁴ Co-Prosecutors' Response to 17 June 2011 Order of Co-Investigating Judges regarding Supplementary Submission, 21 June 2011, D27/2, ERN 00710691-92.

⁵ *Decision, supra* note 1 at paras. 4-5.

party applications, complaints and interviews received or notified in Case 002 after the filing of the 3rd IS. The crimes are described below in paragraphs 5 to 20 of this Supplementary Submission, and are believed to fall within the jurisdiction of the ECCC. The Co-Prosecutors request that these crimes become part of Case No. 004/07-09-2009-ECCC/OCIJ, which is currently being investigated by the CIJs.

CRIMES

Koas Krala District - Thipakdei Security Centre & Tuol Mtes Worksite

5. The Thipakdei security office and Tuol Mtes worksite were located in Thipakdei commune, Koas Krala district, Battambang province, which was part of Sector 1 of the Northwest Zone during the DK period.⁶ The security office has been referred to by a number of different names, including the Wat Thipakdei security centre,⁷ Phnum Thipakdei prison⁸ and Koas Krala security centre.⁹ The detainees at this prison included persons who had attempted to escape from local cooperatives, 17 April evacuees and Khmer Krom accused of being Vietnamese.¹⁰ Detainees were subjected to torture and execution.¹¹

6. Tuol Mtes was a nearby worksite at which numerous persons were subject to forced labour, and was used as a tempering site for purged Sector 1 cadres.¹² A large dam and

⁶ DC-Cam Report entitled *Mapping the Killing Fields of Cambodia, 1997: khet Battambang*, at ERN 00078166 [identifying “Tip Dey mountain” as the “main security centre and prison” in Mong Ruessei, but unable to travel there for security reasons]; KEU Seung Civil Party Application, D22/2139/1 at ERN 00546061; KOEM Pheng Civil Party Application, D22/2141/1 at ERN 00546087-88; CHEA Chanty Civil Party Application, D22/3106/1 at ERN 00561505-06; AV Sok Chamroeun Complaint, D230/2/4.2.68b at ERN 00503074; OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210532; ROEUNG Sopheap Complaint, D230/1.1.671c at ERN 00477557; HANG Borey Civil Party Application, D22/3882/1 at ERN 00571582; KAO Phary Summary of Supplementary Information, D22/3221b at ERN 00587278 [applicant “forced to build dams at Thipakdei Mountain”]; DK Report from Sector 1, 28 May 1977, D1.3.10.2 at ERN 00143567-68 [discussing Koas Krala District and the “Thipaddei water basin” worksite as part of Sector 1].

⁷ CHEA Chanty Civil Party Application, D22/3106/1 at ERN 00561505.

⁸ ROEUNG Sopheap Complaint, D230/1.1.671c at ERN 00477557 [stating that her husband was arrested at a worksite located in Tuol Mtes village and detained at the “Phnum Attibdei [sic] Security Centre”]; AV Sok Chamroeun Complaint, D230/2/4.2.68b at ERN 00503074 [stating that her son was detained and killed at “Phnom Phte prison” located at “Thipakdei mountain”].

⁹ OUK Sokunthea Civil Party Application, D22/2543/1 at ERN 00552316.

¹⁰ KOEM Pheng Civil Party Application, D22/2141/1 at ERN 00546087-88; CHEA Chanty Civil Party Application, D22/3106/1 at ERN 00561505; ROEUNG Sopheap Complaint, D230/1.1.671c at ERN 00477557; KEU Seung Civil Party Application, D22/2139/1 at ERN 00546061 [Khmer Krom].

¹¹ CHEA Chanty Civil Party Application, D22/3106/1 at ERN 00561506; KEU Seung Civil Party Application, D22/2139/1 at ERN 00546061.

¹² ROEUNG Sopheap Complaint, D230/1.1.671c at ERN 00477557; HANG Borey Civil Party Application, D22/3882/1 at ERN 00571582 [stating that the applicant was sent to work at the “Krahaot Dam in Tuol

water reservoir was constructed in this area.¹³ Many of the workers and other victims in this district were 17 April people forcibly moved from other parts of the country.¹⁴

7. Following the arrival of cadres from the Southwest Zone in 1978, many people were arrested and executed, rules in cooperatives became more strict and work conditions more severe.¹⁵ In late 1978, mass executions of detainees, workers and other residents of Koas Krala district took place at various sites both inside and outside the district, including Phnom Tra Cheak Chet¹⁶ and Anlong Vil Brèng Sector (Ruessei Preah village, Chhnal Mean commune, Koas Krala district).¹⁷ As set forth in paragraph 94 of the 3rd IS, Suspect **YIM Tith alias Ta Tith** transferred from the Southwest Zone to become the Secretary of Sector 1 in 1978.
8. Crimes committed in Koas Krala District, including those described above, were the subject of over 40 complaints or civil party applications filed in Case 002.¹⁸

Mtes”]; OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210532 [former Assistant to Sector 1 Committee sent for tempering at Tuol Mtes, located under the Kang Hat dam on the west side of Phnom Thipakdei]; OCP Revised S-21 Prisoner List, D6.1.883 at ERN 00330100 [lists prisoner VAEN Voeun from Tuol Mtes worksite in Sector 1].

- ¹³ DK Report from Sector 1, 28 May 1977, D1.3.10.2 at ERN 00143568-69 [stating that workers from the Thipakdei water basin had been transferred to work on the Kang Hort dam and Sre Thipakdei water distribution system]; KAO Phary Summary of Supplementary Information, D22/3221b at ERN 00587278 [applicant “forced to build dams at Thipakdei Mountain”]; SOEUNG Chanton Civil Party Application, D22/3895/1 at ERN 00571751 [applicant assigned to dig canals in Thipakdei commune in 1978]; HAHEY San Civil Party Application, D22/3225/1 at ERN 00562704.
- ¹⁴ YIM Mam Civil Party Application, D22/3765/1 at ERN 00569789-90 [describes forced movement of 14,000 evacuees to Koas Krala district]; HUL Peou Civil Party Application, D22/140/1 at ERN 00365322 [applicant and family, along with 700 to 800 others, moved by truck from Takeo province to Thipakdei mountain and forced to carry soil to build a dam]; MEAS Nakry Civil Party Application, D22/117/1 at ERN 00362159 [applicant’s family forcibly moved from Phnom Penh to Thipakdei mountain, where she witnessed CPK cadres arrest, kill and bury people at the dam where she worked]; KONG Vach Civil Party Application, D22/131 at ERN 00391744; CHHUM Vanny Civil Party Application, D22/2744/1 at ERN 00556017-18 [majority of 1300 people in his cooperative in Phnom Thipakdeo were from Phnom Penh].
- ¹⁵ SANG Say Civil Party Application, D22/2743/1 at ERN 00556006; CHHUM Vanny Civil Party Application, D22/2744/1 at ERN 00556018; HAHEY San Civil Party Application, D22/3225/1 at ERN 00562704 [stating that killings became worse after Southwest cadres took over Thipakdei area at beginning of 1978].
- ¹⁶ CHEA Chanty Civil Party Application, D22/3106/1 at ERN 00561506 [stating that the Khmer Rouge gathered people from Phnum Thipakdei for mass executions]; PHANN Yim Complaint, D230/1.1.845c at ERN 00481191; YIM Mam Civil Party Application, D22/3765/1 at ERN 00569790.
- ¹⁷ RY Rang Civil Party Application, D22/2909/1 at ERN 00558413-14 [stating that family members located in Ruessei Preah village were sent to Anlong Vil Breng Sector for execution in December 1978].
- ¹⁸ See also BUT Noeun Supplementary Information, D22/2912b at ERN 00587239 [family members killed at Thipakdei mountain and Tuol Mtes village]; BUOY Hauy Civil Party Application, D22/1336/1 at ERN 00526002 [stating that his father, mother and siblings were killed close to Thipakdei mountain in Koas Krala]; SANN Visna Complaint, D230/2/3.1.971b at ERN 00629083 [family evacuated from Phnom Penh to Phum Thipakdei, where his parents were killed]; PHO Sereth Complaint, D230/2/3.1.983b at

1. Sector 1 Security Office

9. The Sector 1 security office was in Banan village, Kanteu commune (part of Sangke district during the DK period) at the location of the current Banan District Office.¹⁹ It has been identified by a former assistant to the Sector 1 Committee, who was arrested and detained there as part of the purge of the Northwest Zone.²⁰ Numerous persons were unlawfully detained at this security centre and taken for execution at various locations, including Damnak Reang near Pailin.²¹
10. As noted above, Suspect **YIM Tith alias Ta Tith** was the CPK Secretary of Sector 1 of the Northwest Zone in 1978. Sector 1 consisted of Koas Krala District, Samlaut District, Ratanak Mondul District (called Battambang District during the DK period) and Sangke District (which included the eastern part of what is currently Banan District, starting at the Sangke river).²²

2. Persecution and Genocide of Khmer Krom

ERN 00629087 [beatings, forced labour, starvation, rape and killings in Koas Krala]; THOUCH Phandarasar Civil Party Application, D22/189/1 at ERN 00279383, and Supplementary Information, D22/189b at ERN 00589320-21 [stating that her family was forcibly moved from Phnom Penh to Phnum Thipakdei after 17 April 1975, where most of her family members died]; CHEY Theara Civil Party Application, D22/3033/1 at ERN 00559155-56; UONG Soy Complaint, D230/2/4.2.439b at ERN 00622945-46; MAM Yin Complaint, D230/2/3.1.16b at ERN 00465039; YIM Mam Civil Party Application, D22/3765/1 at ERN 00569789-90; SUM Eng Hong Civil Party Application, D22/3755/1 at ERN 00569682-83; SON Em Civil Party Application, D22/2896/1 at ERN 00558226; YUN Saroeun Civil Party Application, D22/505/1 at ERN 00496627.

¹⁹ OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210532; OCP Interview of THY Han, D1.3.11.55 at ERN 00221580-81 [Sector security office in Banan on east side of Sangke river near bridge].

²⁰ OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210530, 00210532.

²¹ OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210530, 00210532; OCP Interview of THY Han, D1.3.11.55 at ERN 00221580; Interview of HENG Teav, D1.3.11.15 at ERN 00426118-19 [describing incident in which large group of persons was arrested and detained at Banan prison, on orders of Sector 1 Secretary Tith, and later killed].

²² The districts included in Sector 1 can be confirmed from contemporaneous DK records and statements of witnesses. See S-21 Notebook, D6.1.963 at ERN 00602557, 00602575 [records Sector 1 as including Battambang, Samlaut, Sangke and Koas Krala districts, and Battambang District as including Treng, Phlov Meas and Thmar Prus cooperatives]; DK Report from Sector 1, 28 May 1977, D1.3.10.2 at ERN 00143567-68 [report from Sector 1 includes discussion of Koas Krala, Samlaut and Sangke districts and Bay Damram commune]; DK Report from M-560, 29 May 1977, D1.3.27.3 at ERN 00183010-11 [references Sector 1 office in Chheu Teal village and Sangke district office near Bay Damram]; OCP Revised S-21 Prisoner List, D6.1.883 at ERN 00329603 [lists detainee Bin Saun from Chheu Teal, Sangke district, Sector 1] and ERN 00329941 [lists Prak Savath as mobile unit combatant from Koas Krala District, Sector 1]; Khao I Dang Interview 14, 19 November 1980, D1.3.11.63 at ERN 00217612 [reference to "Sangkae district of Northwest Zone Sector 1"]; Khao I Dang Interview 24, 20 November 1980, D1.3.11.59 at ERN 00217613 [reference to "Sdav area of Northwest Zone Sector 1"]; UM Saroeun OCIJ Statement, D6.1.173 at ERN 00274618 [stating that Sector 1 extended from the Sangke river in Banan district to the railway tracks]; OCP Interview of UK Simontha, D1.3.11.58 at ERN 00210561-62 [indicating that Bay Damram commune in current Banan district was part of Sector 1 during the DK period]; OCP Interview of NOUN Moun, D1.3.11.36 at ERN 00210529 [Sector 1 office was at current location of Rattanak Mondul police office].

11. As part of its policy of eliminating persons of Vietnamese citizenship or ethnicity and persons connected to the Vietnamese, the CPK targeted the Khmer Krom population of Democratic Kampuchea, including the Khmer Krom living in Kirivong, Tram Kak and Koh Andet districts in Takeo province (part of Sector 13 of the Southwest Zone) and Bakan district in Pursat province (part of the Northwest Zone). The Khmer Krom people were recognized by their accents, as well as their distinct family names which often identified their ethnic group and where they were from in Kampuchea Krom.²³
12. In 1976 and 1977, CPK officials in Kirivong District screened family backgrounds, identified Khmer Krom persons and conducted mass executions.²⁴ Execution sites in Kirivong District at which Khmer Krom were killed and buried included the Slaeng village forest²⁵ and Wat So Ben and Wat Pratheat prisons in Kok Prech commune.²⁶ Mass graves at which Khmer Krom were killed were also found at Wat Angkun in Kampeng commune and in Preil and Saom villages in Saom commune.²⁷ Khmer Krom were imprisoned at Wat So Ben, accused of treason and tortured until they confessed.²⁸
13. In one incident, approximately 60 soldiers from Kampuchea Krom known as the ‘White Scarves’ came to Trapeang Run village in Ream Andaeuk commune, Kirivong district, and told the local villagers they wanted to meet Khieu Samphan.²⁹ They were met by CPK commune and district officials, and the next day were taken

²³ CHAU Ny Civil Party Application Supplemental Statement, D22/253a at ERN 00596048; Ben Kiernan, *The Pol Pot Regime*, D6.1.1106 at ERN 00678651.

²⁴ CHAU Ny Civil Party Application Supplemental Statement, D22/253a at ERN 00596048.

²⁵ SANN Touch Civil Party Application, D22/259 at ERN 00426779-80.

²⁶ VEN Nat Civil Party Application, D230/2/15 at ERN 00426800 [describing mass execution of 35 Kampuchea Krom soldiers taken to Wat So Ben in Prey Cheung village, and execution of 12 prisoners in November 1977]; TUN Soun Civil Party Application, D22/258 at ERN 00426759.

²⁷ MAY Sokhan Civil Party Application, D22/262 at ERN 00426836; SANN Touch Civil Party Application, D22/259 at ERN 00426780.

²⁸ VEN Nat Civil Party Application, D230/2/15 at ERN 00426800; *see also* TIM Phuon OCIJ Interview, D11 at ERN 00698806 [stating that he was assigned to work at “Soben pagoda” by Suspect Ta Tith].

²⁹ TUN Soun Civil Party Application, D22/258 at ERN 00426759 [states that event occurred in early 1978]; Ben Kiernan, *The Pol Pot Regime*, D6.1.1106 at ERN 00678495-96 [states that event occurred in April 1976].

by trucks to the Wat Pratheat security centre and executed.³⁰ As set forth in paragraph 93 of the 3rd IS, Suspect **YIM Tith alias Ta Tith** was the CPK Secretary of Kirivong District from 1976 to 1977 or early 1978.

14. In Tram Kak District, also part of Sector 13 of the Southwest Zone, CPK commune chiefs prepared lists identifying the Khmer Krom living in their area.³¹ The detainees who were interrogated and tortured at Kraing Ta Chan security centre included Khmer Krom and 17 April people relocated from Kirivong District.³² Written reports between the district office, communes and Kraing Ta Chan security office refer to the arrests of Khmer Krom,³³ as well as to Khmer Krom persons being deported to or the subject of exchanges with Vietnam.³⁴ As Tram Kak District does not border with Vietnam, it is likely that any persons sent to Vietnam were first taken to Kirivong District. In addition to his position as Kirivong District Secretary, Suspect **YIM Tith alias Ta Tith** was also a member and possible head of the Sector 13 Committee.³⁵

³⁰ TUN Soun Civil Party Application, D22/258 at ERN 00426759; Ben Kiernan, *The Pol Pot Regime*, D6.1.1106 at ERN 00678496.

³¹ See, e.g., D6.1.1232, D6.1.1214 (Ang Ta Som commune), D6.1.220 (Kus commune), D108/26.293 at ERN 00742626-28 (Popel commune), D6.1.470 (Kus), D6.1.1220 (Ang Ta Som), D108/26.71 at ERN 00763028-34 (Trapeang Thom Cheung commune).

³² Kraing Ta Chan Confessions, D6.1.217, ERN 00366676-98; Ben Kiernan, *The Pol Pot Regime*, D6.1.1106 at ERN 00678590 [witness statement that in early 1977, thousands of new people in Kirivong District were sent to Tram Kak District for tempering, because of concern they would escape to Vietnam].

³³ Report from Meng to Angkar, 10 January 1977, D6.1.235 at ERN 00322122; Report from Mien, D6.1.282 at ERN 00366708 [confirming arrests of Khmer Krom families sent to Kraing Ta Chan prison]; Reports from Kus commune (Saen) to Angkar, D6.1.260 at ERN 00369463-64; Report from Popel commune to Tram Kak District Office, 3 May 1977, D6.1.234 at ERN 00322121; Report from Popel commune (Chorn) to District 105, 4 May 1977, D6.1.255 at ERN 00322143; Report from District Office to Kraing Ta Chan (Ann), 25 September 1977, D6.1.262; Report from Chorn, 7 March 1978, D6.1.203 at ERN 00322194-95 [describing arrests of Khmer Krom approved by district office]; Report from Leay Bo Commune, 29 June 1978, D6.1.207 at ERN 00322216; Report from Popel commune to District, 13 July 1978, D6.1.209 at ERN 00322219 [arrest of Khmer Krom from “White Scarf Force”].

³⁴ Report from Popel commune to Tram Kak District Office, 2 May 1977, D6.1.1215 at ERN 00276563-64 [reporting that the “Kampuchea Krom people and the people Yuon exchanged to us make up 64 families totaling 228 persons”]; Report from Nheng Nhang commune to Tram Kak District Office, May 1977, D6.1.243 at ERN 00322088 [reporting that “according to a decision of the Angkar, we have transported the brothers and sisters of the Kampuchea Krom of 7 of them back to Yuon’s country”]; Report from Ta Phen commune, 13 May 1977, D6.1.1219 at ERN 00290264 [references deportation of Khmer Krom from Samrong commune]. See also DC-Cam Report entitled *Project to Promote Accountability: A Visit to District 109, Southwestern Zone*, July 2010, at ERN 00680851-52 [interview of Khmer Rouge soldier who states that, in 1977, the CPK sent Khmer Krom to Vietnam in exchange for the return of defected Khmers].

³⁵ NUT Nouv OCIJ Statement, D6.1.689 at ERN 00422330; PECH Chim OCIJ Statement, D6.1.650 at ERN 00379169-70; TIM Phuon DC-Cam Interview, 22 January 2011, at ERN 00644119.

15. In Koh Andet District, mass executions of Khmer Krom were conducted at the Prey Sokhon execution site (also known as Prey Lopeak), located in Sy Sla village, Thlea Prachum commune.³⁶ The Khmer Krom victims were temporarily detained at Wat Ang Srei Muny, and then taken for execution by armed CPK cadres in groups of 10 to 20 families at a time.³⁷ As set forth in paragraph 101 of the 3rd IS, Suspect **IM Chaem** was the CPK Secretary of Koh Andet District from 1976 to June 1977.
16. In the Northwest Zone, Bakan District included a number of villages that were inhabited predominantly by Khmer Krom, such as Rumlech village (then called Prey Chheu Teal) in Rumlech commune and Bak Mek village (then called Ses Nhoev) in Khnar Totung commune.³⁸ During the DK period, many Khmer Krom were arrested and detained in security centers in this area, including Phum Veal prison (located in Talo commune, Bakan district),³⁹ Svay Chrum *aka* Phum Thkaul prison and Boeng Bat Kandal *aka* Trach Kraol prison (located in Boeng Bat Kandal commune, Bakan district).⁴⁰ At these security centers, the Khmer Krom detainees were tortured, interrogated as to whether they were Vietnamese spies, and executed.⁴¹

³⁶ DC-Cam Mapping Report for Takeo Province, August 1998, D1.3.10.14 at ERN 00207679.

³⁷ DC-Cam Mapping Report for Takeo Province, August 1998, D1.3.10.14 at ERN 00207679.

³⁸ THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279241; KIM So Supplementary Information, D22/102b at ERN 00578021.

³⁹ THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279246 [security office located at Prey Veang village in Talo commune, about 6-7 kilometers from Rumlech village]; KIM So Civil Party Application, D22/102 at ERN 00384366 [victim arrested in September 1977 and detained at security centre in Veal village, Talo commune]; KIM So OCIJ Statement, D6.1.759 at ERN 00388620; CHAB Khuong Civil Party Application, D22/103 at ERN 00379339 [victim detained in Veal village prison in 1976]; THOEUK Yoeun, Civil Party Application, D230/2/21 at ERN 00427009-10; DC-Cam List of Security Offices, D6.1.525 at ERN 00347411 [identifying Kuk Phoum Veal security office in Bakan district].

⁴⁰ DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250740 [describing Trach Kraol prison]; LIM Sat OCIJ Statement, D6.1.137 at ERN 00250761 [describing location of Thkaul security office, also known as the Svay Chrum or Ta Khin office]; DC-Cam List of Security Offices, D6.1.525 at ERN 00374411 [identifying Boeng Batt Kandaol security office in Bakan district]. At some point in 1978, the prisoners held in the Thkaul security office were transferred to the Trach Kraol security office. LIM Sat OCIJ Statement, D6.1.137 at ERN 00250762 [witness detained at Thkaul office from 1976 to 1978, then transferred with other prisoners to Trach Kraol office].

⁴¹ KIM So Civil Party Application, D22/102 at ERN 00384366 [victim accused of being a “Khmer body with a Vietnamese head” describes how he was shackled, beaten with a stick and given electric shocks while interrogated, and ordered to dig pits and bury the bodies of executed detainees]; KIM So OCIJ Statement, D6.1.759 at ERN 00388620; CHAB Khuong Civil Party Application, D22/103 at ERN 00379339-40 [victim shackled, beaten and shocked during interrogation at Veal village prison, and witnessed rapes and executions of Khmer Krom prisoners in 1977 and 1978]; THOEUK Yoeun, Civil Party Application, D230/2/21 at ERN 00427009-10 [survivor of Veal village prison describes executions of Khmer Krom prisoners].

17. In 1978, after the arrival in this region of CPK cadres from the Southwest and West Zones, mass executions of Khmer Krom took place in Rumlech and Khnar Totung communes.⁴² The execution sites where these victims were killed and buried included the Tuol Seh Nhauv pits⁴³ and the Prey Krabau killing fields.⁴⁴ Executions were conducted under the supervision and orders of Bakan District Secretary SEK Sâm At *alias* Yeay Rim,⁴⁵ after Rim and the Sector Secretary Pring Sarun⁴⁶ had “instructed all cooperative chiefs in Bakan District to collect Khmer Kampuchea Krom people and [take them] to Khnar Toteung Cooperative.”⁴⁷ The Khmer Krom were accused by the CPK of being a “Khmer body with a Vietnamese head” and killed by the CPK because of their connection to the “Yuon.”⁴⁸ As set forth in paragraph 95 of the 3rd IS,

⁴² PEOU Sinuon Civil Party Application, D22/101 at ERN 00385226-27 [stating that thousands of Khmer Krom were gathered in “detention stables” in Khnar Totung collective in July 1978 by CPK cadres from the Southwest and West Zones, and executed in Prey Krabao forest]; VOERN Dara Civil Party Application, D22/127 at ERN 00398306-08 [Khmer Krom gathered to be killed at Khnar Totung coop in July 1978]; KIM So Civil Party Application, D22/102 at ERN 00384366 [in July 1978, witness overheard cadres at Veal prison state that “thousands of the Yuon enemy” had been recently killed at the Rumlech and Khnar Totung cooperatives]; CHEA Leng OCIJ Statement, D6.1.142 at ERN 00279250; VEN Van Civil Party Application, D22/267 at ERN 00426924 [confirming mass executions of Khmer Krom in 1978 at Prey Krabau and Ses Nhov]; THOEUK Bun Roeun Civil Party Application, D230/2/17 at ERN 00426904-05; Ben Kiernan, *The Pol Pot Regime*, D6.1.1106 at ERN 00678651-52.

⁴³ THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279242 [in 1979, witness saw pits in 400-500 meter square area in Tuol She Nhauv that contained “thousands of bodies” “piled on top of one another”]; VOERN Dara Civil Party Application, D22/127 at ERN 00398308 [family killed at Tuol Seh Nhauv]; VAN Chauk Civil Party Application, D22/271 at ERN 00426975; SUONG Toeur Civil Party Application, D230/2/16 at ERN 00426887-88 [witnessed Khmer Rouge take thousands of Khmer Krom from Khnar Totung to Seh Nhauv in July 1978]. This location is near Bak Mek village (called Seh Nhauv during the DK period).

⁴⁴ PEOU Sinuon Civil Party Application, D22/101 at ERN 00385227; KIM So Supplementary Information, D22/102b at ERN 00578027.

⁴⁵ PEOU Sinuon Civil Party Application, D22/101 at ERN 00385227; CHAB Khuong Civil Party Application, D22/103 at ERN 00379340; DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250740; UK Soeum *alias* Sân Soeum OCIJ Statement, D6.1.991 at ERN 00491349, 00491352-54; SOU Năn OCIJ Statement, D6.1.988 at ERN 00508565; SEK Sâm At *alias* Rim OCIJ Statement, D6.1.984 at ERN 00492920-21 [admitting that she was a member of the Bakan district committee, but denying that she was Secretary].

⁴⁶ UK Soeum *alias* Sân Soeum OCIJ Statement, D6.1.991 at ERN 00491349; UK Soeum *alias* Sân Soeum SOAS/HRW Statement, D6.1.616 at ERN 00352105-06; KAING Guek Eav *alias* Duch OCIJ Statement, D6.1.1052 at ERN 00160720; SOU Năn OCIJ Statement, D6.1.988 at ERN 00508565-66; SEK Sâm At *alias* Rim OCIJ Statement, D6.1.984 at ERN 00492922; Timothy Carney, *The Organization of Power*, D1.3.15.2 at ERN 00105152.

⁴⁷ UK Soeum *alias* Sân Soeum Statement, D6.1.991 at ERN 00491353-54 [testimony of Rumlech cooperative chief].

⁴⁸ THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279243; KIM So Civil Party Application, D22/102 at ERN 00384366; THOEUK Yoeun Civil Party Application, D230/2/21 at ERN 00427009; VEN Van Civil Party Application, D22/267 at ERN 00426923; KIM So OCIJ Statement, D6.1.759 at ERN 00388620; THOEUK Bun Roeun Civil Party Application, D230/2/17 at ERN 00426904 [stating that Khmer Krom “were killed because the Khmer Rouge regarded the Khmer Krom as Vietnamese enemies”].

Suspect **YIM Tith alias Ta Tith** was the Northwest Zone Secretary or Deputy Secretary at the time of these mass executions.⁴⁹

3. *Mass Executions of East Zone Evacuees (Northwest Zone)*

18. This section is intended to clarify and supplement the allegations regarding the Tuol Purchrey Execution Site contained in paragraph 73 of the 3rd IS.
19. In late 1978, shortly before the arrival of Vietnamese forces, evacuees from the East Zone were gathered at a number of locations in the Northwest Zone and killed in mass executions.⁵⁰ In Sre Sdok commune of Kandieng District (part of Sector 7), after a meeting of cooperative and district cadres, the Phla Ampil cooperative committee ordered its ox-cart unit to transport all East Zone deportees to Veal Bak Chunching, a site located roughly ten kilometres west of Tuol Po Chrey.⁵¹ Thousands of persons were transported to this site over a 3 to 4 day period, using 30 ox-carts.⁵² Upon their arrival at Veal Bak Chunching, CPK militia walked the victims to a pond 100 metres away, and shot them to death.⁵³ The bodies were then dumped in the pond.⁵⁴ The Secretary of Kandieng District (District 22) at the time of these mass executions was SOU Nan, the sister of SOU Met, who had been transferred from Kampong Chhnang to take over the district in late 1977 or early 1978.⁵⁵
20. Also in late 1978, in Rumlech commune of Bakan District, hundreds of East Zone evacuees were taken to the Chănreangsei pagoda and shot.⁵⁶ The next morning, the

⁴⁹ See also THY Han OCIJ Interview, D20; TIM Phuon OCIJ Interview, D11; DC-Cam Interview of TIM Phuon, 22 January 2011, ERN 00644107-33; DC-Cam Report entitled *Promoting Accountability Project: Leng Ann & Yim Tith*, 22 January 2011, ERN 00704583-84; DC-Cam Photograph of Yim Tith alias Ta Tith, ERN 00704582; Phnom Penh Post, *Confession expected as Duch trial resumes*, 30 March 2009, at ERN 00680839.

⁵⁰ CHAK Muli OCIJ Statement, D6.1.143 at ERN 00288203-04; UNG Chhat OCIJ Statement, D6.1.643 at ERN 00373917; NET Saveun Civil Party Application, D22/3510/1 at ERN 00566485-86 [East Zone evacuee describes mass execution in Bakan District in November 1978]; LEY Hoeun Civil Party Application, D22/264/1 at ERN 00426875-76 [witnessed 20 people from Svay Rieng taken for execution in Ruessei Kreng commune, Moung Ruessei district].

⁵¹ UNG Chhat OCIJ Statement, D6.1.145 at ERN 00284423; UNG Chhat OCIJ Statement, D6.1.643 at ERN 00373917.

⁵² UNG Chhat OCIJ Statement, D6.1.145 at ERN 00284423.

⁵³ UNG Chhat OCIJ Statement, D6.1.145 at ERN 00284423.

⁵⁴ UNG Chhat OCIJ Statement, D6.1.145 at ERN 00284423-24.

⁵⁵ UNG Chhat OCIJ Statement, D6.1.643 at ERN 00373918; SOU Năn OCIJ Statement, D6.1.988 at ERN 00508563, 0050865-68 [admitting that she was appointed by Sector Secretary PRING Sarun to be the Kandieng District Com, but claiming that she did not accept the position].

⁵⁶ UK Soeum *alias* Sân Soeum OCIJ Statement, D6.1.991 at ERN 00491351 [testimony of Rumlech cooperative chief]; DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250741 [Rumlech commune chief]

corpses were transported six at a time by ox-cart and buried in mass graves and a well in Kaun Thnaot or Cham village in Rumlech commune.⁵⁷ Blue *krama* and skeletal remains were found when those grave pits were dug up after 1979.⁵⁸ The estimated number of victims killed in this mass execution was between 300 and 640 people.⁵⁹ As set forth above, the Secretary of Bakan District (District 21) at the time of these mass executions was SEK Sâm At *alias* Yeay Rim, and the Secretary of the Northwest Zone was Suspect **YIM Tith alias Ta Tith**.

4. COMMON CRIMINAL PLAN⁶⁰

21. The crimes described above and in the 3rd IS were committed in furtherance of a common criminal plan or joint criminal enterprise of CPK senior leaders to enslave the population in cooperatives or forced labour sites, to identify and eliminate enemies of the CPK through a network of security offices and execution sites, and to target suspect groups such as the Cham and Vietnamese, as found by the Co-Investigating Judges in paragraphs 156 through 220 of the Case 002 Closing Order.⁶¹ The members of this joint criminal enterprise included, but were not limited to, the members of the CPK Standing and Central Committees, the heads of Ministries and the Secretaries of Zones, Sectors and Party Centre Military Divisions.⁶² The common criminal plan was knowingly implemented by various persons, including CPK district secretaries and chairman of security offices, each of whom were also members of a joint criminal enterprise within their district or security centre. Each of these individuals, by their acts or omissions, contributed to achieving the shared objectives of the joint criminal enterprise and intended the results thereof.

from 1979-84 states that 300 people from the Eastern Zone were shot at the Rumlech pagoda]; THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279243; CHAK Muli OCIJ Statement, D6.1.143 at ERN 00288202-06 [describing how thousands of evacuees from the Eastern Zone were picked up at Boeng Khnar train station and transported by oxcarts to Rumlech commune, and later gathered and killed in the Rumlech pagoda]; KHOEM Samon OCIJ Statement, D166/56 at ERN 00327163-64 [witness evacuated from East Zone to Pursat in late 1978 states that numerous evacuees were “shot to death” and describes seeing many bodies at Rumlech village].

⁵⁷ UK Soeum *alias* Sâm Soeum OCIJ Statement, D6.1.991 at ERN 00491351; DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250741 [witnessed bodies in two mass grave pits]; CHAK Muli OCIJ Statement, D6.1.143 at ERN 00288206; THACH Sokh OCIJ Statement, D6.1.140 at ERN 00279243.

⁵⁸ DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250741.

⁵⁹ CHAK Muli OCIJ Statement, D6.1.143 at ERN 00288206; DUONG Sau OCIJ Statement, D6.1.134 at ERN 00250741; UK Soeum *alias* Sâm Soeum OCIJ Statement, D6.1.991 at ERN 00491351.

⁶⁰ This section is intended to supplement the allegations of paragraphs 16 and 17 of the 3rd IS.

⁶¹ Case 002 Closing Order, 15 September 2010, D427, paragraphs 156-220.

⁶² Case 002 Closing Order, 15 September 2010, D427, paragraph 159.

5. LEGAL CLASSIFICATION

22. The Co-Prosecutors have reason to believe that the facts described above constitute crimes within the jurisdiction of the court, including but not limited to:
- i. Genocide of the Khmer Krom and Vietnamese, in violation of the **CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE OF 1948**, punishable under Articles 4, 29 (new) and 39 (new) of the ECCC Law.
 - ii. Homicide and Torture, in violation of the **1956 PENAL CODE** (Articles 500, 501, 503, 504, 505, 506, 507 & 508), punishable under Articles 3 (new), 29 (new) and 39 (new) of the ECCC Law.
 - iii. Murder, Extermination, Enslavement, Imprisonment, Torture, Rape, Persecutions on political and racial grounds, and other Inhumane Acts, which constitute **CRIMES AGAINST HUMANITY** punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law.
 - iv. Wilful Killing, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Unlawful Deprivation or Transfer or Unlawful Confinement of a a Civilian which constitute **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949** punishable under Articles 6, 29 (new) and 39 (new) of the ECCC Law.
23. The Co-Prosecutors have reason to believe that YIM Tith alias Ta Tith, AOM An alias Ta An, IM Chaem and other senior leaders of the Democratic Kampuchea regime, including NUON Chea, IENG Sary, KHIEU Samphan and IENG Thirith, committed the specific criminal acts described in this Supplementary Submission and the 3rd IS which constitute offences under the ECCC Law. These acts were part of a common criminal plan or joint criminal enterprise, as described in paragraph 18 of this Submission and paragraphs 16 to 17 of the 3rd IS.
24. The documents cited in this Submission that are new or from Case File 002 are listed in Annex 1, and copies of the cited versions are attached as Annexes 2 through 56.

25. This Submission is signed by only the International Co-Prosecutor and is therefore submitted subject to Internal Rule 71(3). Pursuant to Internal Rule 71(1), a record of disagreement between the Co-Prosecutors was placed in the register kept by the Greffier of the Co-Prosecutors on 15 July 2011. As the 30-day dispute settlement period has elapsed, despite continuing efforts, consensus between the Co-Prosecutors has not been achieved as of this date, and no disagreement proceedings have been initiated before the Pre-Trial Chamber, the ICP hereby submits the Supplementary Submission in its original form, and requests the CIJs to undertake promptly the investigative actions described therein. The ICP further requests the CIJs to act on the Supplementary Submission without delay, consistent with general principles of judicial economy and the obligation to bring proceedings to a conclusion within a reasonable period.⁶³

Respectfully submitted,

Date	Name	Place	Signature
18 July 2011	Andrew CAYLEY Co-Prosecutor	Phnom Penh	

⁶³ Internal Rule 21(4).