

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

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**CO-PROSECUTORS' SUPPLEMENTARY SUBMISSION
REGARDING THE NORTH ZONE SECURITY CENTRE**

Filed by:

**Office of the
Co-Prosecutors**
Ms. CHEA Leang
Mr. Robert PETIT
Mr. YET Chakriya
Mr. William SMITH
Mr. SENG Bunkheang
Mr. Stuart FORD

Distributed to:

**Office of the
Co-Investigating Judges**
Judge YOU Bunleng
Judge Marcel LEMONDE

Copied to:

**Counsel for the
Charged Persons**
NOUN Chea
Mr. SON Arun
Mr. Michel PESTMAN
Mr. Victor KOPPE

IENG Sary
Mr. ANG Udom
Mr. Michael G. KARNAVAS

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du dossier: NUN SOTHUNVICHET

IENG Thirith
Mr. PHAT Pouv Seang
Ms. Diana ELLIS

Khieu Samphan
Mr. SAY Bory
Mr. Jacques VERGES

KANG Guek Eav
Mr. KAR Savuth
MR. François ROUX

I. INTRODUCTION

1. Pursuant to ECCC Internal Rule 55 (3) the Co-Prosecutors request the Co-Investigating Judges to investigate the crimes it has reason to believe were committed as a result of the operation of the North Zone Security Centre during the period of Democratic Kampuchea. These crimes are described in paragraphs 5 to 11 of this Supplementary Submission and are believed to fall within the jurisdiction of the ECCC.
2. These new facts have been referred to the Co-Prosecutors by the Co-Investigating Judges in their Forwarding Order dated 29 February 2008 requesting the Co-Prosecutors to advise them as to whether they should investigate the contents of the Civil Party Applications received from three individuals imprisoned at the Northern Zone Security Centre.¹ The Co-Prosecutors request that this crime site become part of Case No. 002/19-09-2007/ECCC/OCIJ, which is currently being investigated by the Co-Investigating Judges.
3. The attached **Annex A** is an index of the documents constituting the Case File for this Supplementary Submission. The Case File documents namely the Civil Party Applications of ██████████² ██████████³ and ██████████ ██████████ and all other material of evidentiary value in the possession of the Co-Prosecutors relating to the facts described in this Supplementary Submission are attached in **Annex B**. Electronic versions of **Annexes A** and **B** are contained in a CD marked **Annex C**. All documents in **Annex B** have ERN numbers already. If a document has previously been disclosed to the Co-Investigating Judges, that fact and date of disclosure are indicated in **Annex A**.
4. The Co-Prosecutors note the concern raised by the Co-Investigating Judges in the Forwarding Order about the possible ambiguity of paragraphs 37-39 of the Introductory Submission dated 18 July 2007 and wish to clarify the situation. Paragraphs 37-39 of the Introductory Submission constitute a request to investigate only the forcible transfer of people from Phnom Penh (as stated in the title heading which precedes those paragraphs). Paragraph 39 describes the origin of the policy that led to the evacuation and simply notes that the policy was applied to all cities in Cambodia, not just Phnom Penh.

II. CRIMES

NORTH ZONE SECURITY CENTRE - SIEM REAP SECTOR (NEW NORTH ZONE)

Location & Duration

5. Beginning at least by late 1976 and continuing until 6 January 1979, the government of Democratic Kampuchea and the Communist Party of Kampuchea operated a security centre, known as the North Zone Security Centre, in Sector 106 of the New North Zone (formerly the Siem Reap Sector). The security centre was located in front of the Court of First Instance and next to Dharmayudhi Pagoda⁵ in what is now downtown Siem Reap.⁶

Physical Structure

6. The security centre was surrounded on all sides by concrete walls and had security posts at each corner.⁷ It contained a series of buildings that housed approximately 1,000 prisoners and 60 guards, interrogators and administrators.⁸ There were four large cells that each held approximately two hundred inmates, one cell that held 100 female inmates, and a number of smaller cells.⁹ Children were also imprisoned at the North Zone Security Centre.¹⁰ Another 100 prisoners were held outside the prison complex.¹¹

Interrogations

7. People were arrested from nearby areas, including Preah Vihear, Oddor Meanchey and Siem Reap Provinces,¹² and brought to the North Zone Security Centre by truck.¹³ There, they would be shackled and their biographical information entered in a large book.¹⁴ Then they would be interrogated to determine whether they were a former Khmer Republic soldier or an alleged CIA agent.¹⁵ Prisoners were also interrogated inside the Dharmayudhi pagoda.¹⁶ Interrogation sessions at the pagoda occurred in the morning and in the afternoon, with 8 prisoners interrogated in each session.¹⁷

Inhumane Conditions

8. Conditions for the detainees were inhumane. Ordinary prisoners were kept shackled at all times.¹⁸ A small number of prisoners with useful skills, like being able to repair motor bikes or watches, were allowed out of their cells during the day, but were still shackled at night.¹⁹ Food and water were inadequate,²⁰ and prisoners were beaten for minor offenses or for no reason at all.²¹ Prisoners died of starvation and disease

regularly.²² Others died as the result of torture, which included electric shocks and asphyxiation with plastic bags.²³ The bodies of those who died within the security centre were buried on the grounds of the Dharmayudhi pagoda and along the road to Angkor Wat.²⁴

Executions

9. New prisoners arrived regularly by truck, with as many as 50 prisoners in each truck.²⁵ There was usually at least one truckload of prisoners that arrived each day, although on some days as many as 7 or 8 truckloads of prisoners arrived at the security centre.²⁶ At the same time, the names of existing prisoners were called out who were placed into trucks and taken away.²⁷ None of those taken away returned, and it is believed that they were executed.²⁸

Legal Classification

10. The Co-Prosecutors have reason to believe that the facts described above constitute crimes within the jurisdiction of the court, including but not limited to:
- a. Homicide and Torture. These constitute violations of the **1956 PENAL CODE** (Articles 500, 501, 503, 504, 505, 506, 507 & 508), punishable under Articles 3 (new), 29 (new) and 39 (new) of the ECCC Law.
 - b. Murder; Extermination; Imprisonment; Torture; Persecutions on political grounds of former officials of the Khmer Republic; and other Inhumane Acts. These constitute **CRIMES AGAINST HUMANITY**, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law.

Suspects

11. For the reasons stated in the Introductory Submission dated 18 July 2007 and for further reasons stated below, the Co-Prosecutors have reason to believe that the Charged Persons **NUON Chea, IENG Sary, KHIEU Samphan, IENG Thirith** and **KAING GUEK Eav** committed the specific criminal acts described in paragraphs 3 to 8 which constitute offences under the ECCC Law. These acts were part of the common criminal plan or joint criminal enterprise described in paragraphs 5 to 16 of

the Introductory Submission which are incorporated in their entirety into this Supplementary Submission.

II. CONTEXT OF CRIMES

Role in the North Zone Purge

12. The North Zone Security Centre was used to facilitate a purge of the New North Zone. In late 1976 and early 1977, cadres from the Southwest Zone were used to purge the senior cadres of the North Zone.²⁹ Southwest Zone cadres were put in charge of the North Zone Security Centre³⁰ and North Zone cadres were subsequently sent there where they were interrogated and later executed.³¹ This was part of a larger purge of the North Zone that was conducted at locations throughout Democratic Kampuchea, including at S-21³² in Phnom Penh.³³

Participation in the Arrest and Execution of KOY Thuon

13. The purge began, in part, with the arrest of KOY Thuon, who was Minister of Commerce and a member of the Central Committee of the CPK.³⁴ KOY Thuon had been Secretary of the North Zone, but was removed from that position in March 1976 on the orders of the Standing Committee.³⁵ He was transferred to Phnom Penh and made Minister of Commerce, but was subsequently put under house arrest in April 1976, where he remained until he was sent to S-21 in January of 1977.³⁶
14. KOY Thuon was sent to S-21, which was under the command of **KAING Guek Eav**, on the orders of SON Sen alias Khieu or Brother 89, who was Deputy Prime Minister for National Defense,³⁷ Chairman of the General Staff,³⁸ and a member of the Standing Committee of the CPK.³⁹ However, the decision to arrest KOY Thuon was made by the full Standing Committee,⁴⁰ which included **NUON Chea** and **IENG Sary**. KOY Thuon's interrogation was followed closely by the highest ranks of the CPK, and copies of KOY Thuon's confessions were sent to SON Sen by **KAING Guek Eav** on a regular basis.⁴¹ Tape recordings of KOY Thuon's confessions were later played at gatherings of CPK cadres to demonstrate his alleged treason.⁴²

KOY Thuon's Implication of Cadres from Sector 106

15. As part of his confessions,⁴³ KOY Thuon was forced⁴⁴ to name allegedly "anti-revolutionary" agents throughout the country.⁴⁵ In a confession dated 19 February

1977, KOY Thuon handwrote a list of 19 people who allegedly made up the "Anti-Revolutionary Committee" of Sector 106.⁴⁶ Many of the people implicated by KOY Thuon from Sector 106 were subsequently arrested and sent to S-21.⁴⁷

Purge of Sector 106

16. Ultimately, the purge of North Zone cadres in Sector 106 resulted in the transfer of a large number of prisoners from Sector 106 to S-21⁴⁸ in Phnom Penh, where they were executed on the orders of **KAING Guek Eav**.⁴⁹ These prisoners included a number of senior Sector 106 cadres including **YANG Pov**, the Security Chairman for Sector 106, senior members of the local military unit, Division 335, as well as members of the governing committees of Ampil, Saut Nikum, Thma Pauk, Banteay Srey, Puok, Chong Kal, and Kralanh districts.⁵⁰ In at least one instance, the confession of a senior cadre from Sector 106 was sent from S-21 to higher levels of the DK government and the CPK.⁵¹
17. The arrest of Sector 106 cadres led to the implication of additional Sector 106 cadres and perpetuated the purge. For example, in his confession, **YANG Pov** was forced to implicate other members of the North Zone, including Comrade Sreng, Deputy Secretary of the North Zone, Comrade Chhean of the Batheay District Committee, Comrade Srun of the Stong District Committee, and Comrade Run of the Santuk District Committee.⁵² At least Comrade Sreng, the Deputy Secretary of the North Zone, was sent to S-21.⁵³

Participation in and Knowledge of the North Zone Purge

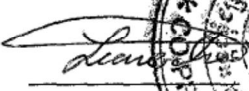
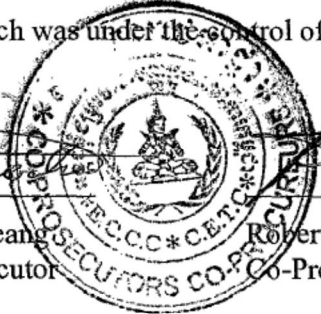
18. Senior leaders of the Communist Party of Kampuchea participated in and were aware of the arrest of KOY Thuon and the subsequent arrests of his former subordinates in the North Zone. For example, **KHIEU Samphan** convened at least one meeting where he played a tape of a confession of KOY Thuon for the attending cadres from the warehouses, in which KOY Thuon confessed to attempting to poison Pol Pot.⁵⁴ **NUON Chea** taught at a Party conference at Borei Keila where he explained that KOY Thuon was a traitor and warned the attending cadres not to go down the same path as KOY Thuon.⁵⁵ Office 870, where **KHIEU Samphan** worked, was involved in the purge of North Zone cadres.⁵⁶

19. According to KE Pauk's autobiography,⁵⁷ following KOY Thuon's arrest, POL Pot and NUON Chea summoned him to Phnom Penh and presented him with a list of his subordinates who were accused of being CIA agents. He did not contest the accusations and in February 1977, trucks were sent from Phnom Penh to arrest zone-level cadres. Later, arrests were made of sector-level cadres. Finally, in May 1977, arrests were made at the district and sub-district level. In 1978, KE Pauk discussed the purges with IENG Sary.

North Zone Purge Was Widely Known

20. It is believed that the accused persons, NUON Chea, IENG Sary, KHIEU Samphan, IENG Thirith and KAING GUEK Eav, were aware of the criminal acts described above because KOY Thuon's arrest and the subsequent purge of the North Zone were widely known in Democratic Kampuchea.⁵⁸ Meetings were arranged by the CPK at which KOY Thuon and his North Zone "links" were accused of being traitors.⁵⁹ In addition, documents were distributed accusing KOY Thuon of being a traitor.⁶⁰ KOY Thuon was also denounced as a traitor to the international community by the Ministry of Foreign Affairs, which was under the control of IENG Sary.⁶¹

Respectfully submitted



 CHEA Leang Co-Prosecutor Robert PETIT Co-Prosecutor

Signed in Phnom Penh, Kingdom of Cambodia on this 26th day of March 2008.

- ¹ **Forwarding Order**, Case No. 002/19-09-2007/ECCC/OCIJ, Case File Number D77, ERN 00165199-00165200 [ENG].
- ² **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254.
- ³ **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875.
- ⁴ **Civil Party Application** of [REDACTED] dated 22 October 2007, Case File Number D35, ERN 00156876-00156885.
- ⁵ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4.
- ⁶ The security centre was located on what is now National Route 6 at the intersection of Sivatha Blvd. See **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 12. The structure no longer exists.
- ⁷ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ⁸ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ⁹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5. See also **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 45 (Interview of Meas Thun Chey) (noting that there were four large cells each holding 120-150 prisoners and 7 small cells). Maps of the layout of the prison have been drawn by former prisoners. See **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 11; **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 9; **Civil Party Application** of [REDACTED] dated 22 October 2007, Case File Number D35, ERN 00156876-00156885, at page (ENG) 9.
- ¹⁰ **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3 (noting that his wife and two children were imprisoned at the North Zone Security Centre and that his two children died there); **Civil Party Application** of [REDACTED] dated 22 October 2007, Case File Number D35, ERN 00156876-00156885, at page (ENG) 3 (noting that she was imprisoned along with her 3 year old child).
- ¹¹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ¹² **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ¹³ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4; **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3.
- ¹⁴ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ¹⁵ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4.
- ¹⁶ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4, 5; **DC-Cam Report** entitled "Report on CGP Survey Visit to Siem Reap Province," dated 21 October 1995, ERN 00164138-00164141, at page 35 (noting that Wat Dhamma Yout was the site of interrogations, torture and executions during the DK era); **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 36-37 (Interview of Puth Pon) (noting that the pagoda was used as an annex to the central prison and that there was an interrogation room in the pagoda where prisoners were hung by their feet).
- ¹⁷ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.
- ¹⁸ **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3 (noting that prisoners were kept in leg shackles at all times).
- ¹⁹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4-5; **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3; **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 46 (Interview of

Meas Thun Chey) (noting that those who could perform useful tasks worked in the courtyard and were given better food).

²⁰ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4 (noting that food and water was usually only provided once a day); **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3 (noting that prisoners were fed one scoop of thin gruel twice a day); **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 45 (Interview of Meas Thun Chey) (noting that the prisoners received only clear rice gruel with about 10 grains of rice and no other food).

²¹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5 (noting that he was beaten for minor offenses like picking up 10 jackfruit nuts without permission); **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 3 (noting that guards entered his cell frequently to kick the prisoners).

²² **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4; **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 4 (noting that 30 prisoners died each day from starvation and torture); **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 45 (Interview of Meas Thun Chey) (noting that prisoners starved to death every day).

²³ **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 4; **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 47-48 (Interview of Meas Thun Chey) (describing torture using plastic bags, electric shocks and beatings).

²⁴ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5; **DC-Cam Report** entitled "Report on CGP Survey Visit to Siem Reap Province," dated 21 October 1995, ERN 00164138-00164141, at page 35 (noting that the remains of many bodies had been found on the grounds of Wat Dhamma Yout); **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 36-37 (Interview of Puth Pon) (noting that about 100 bodies had been buried on the pagoda grounds and that dead prisoners were found on the pagoda grounds wearing wooden handcuffs after the collapse of Democratic Kampuchea).

²⁵ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5.

²⁶ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5; **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 45-46 (Interview of Meas Thun Chey) (noting that as many as 100 prisoners could be brought in at a time).

²⁷ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5; **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 46 (Interview of Meas Thun Chey) (noting that the names of those to be taken away were called out).

²⁸ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5; **Civil Party Application** of [REDACTED] dated 7 November 2007, Case File Number D34, ERN 00156867-00156875, at page (ENG) 4 (noting that he witnessed the execution of one such truckload of prisoners); **International Report** by Henri LOCARD entitled "Report on Siem Reap Province: New North Zone," ERN 00164149-00164207, at page 45 (Interview of Meas Thun Chey) (noting that executions took place every 3 to 5 days and prisoners were taken towards Angkor Wat where they were executed and the bodies thrown into pits).

²⁹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4 (noting that the "Southwest Zone Army" moved to Siem Reap and "killed the Khmer Rouge in this Sector (Sector secretary, district secretary, etc.)"); **Civil Party Application** of [REDACTED] dated 22 October 2007, Case File Number D35, ERN 00156876-00156885, at page (ENG) 3 (noting that Southwest Zone cadres came to Siem Reap in early 1977 and began arresting North Zone cadres).

³⁰ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 5 (noting that during 1977 Comrade Run, the chairman of the prison, and Comrade Mao, the deputy chairman, were Southwest Zone cadres).

³¹ **Civil Party Application** of [REDACTED] dated 19 October 2007, Case File Number D33, ERN 00152242-00152254, at page (ENG) 4 (noting that Comrade Seum, a District Secretary, was detained at the

North Zone Security Centre for a month and interrogated every day before being executed); **Civil Party Application of** [REDACTED] dated 22 October 2007, Case File Number D35, ERN 00156876-00156885, at page (ENG) 3 (noting that the Chairman of the district hospital, a cadre from the North Zone, was arrested by Southwest Zone cadre and sent to the North Zone Security Centre in early 1977).

³² S-21 was the most important security centre in Democratic Kampuchea. It is described further in paragraphs 49-55 of the Introductory Submission dated 18 July 2007.

³³ See, e.g., **S-21 Execution Log** entitled "Execution Log of People from the North Zone," dated 8 July 1977, excerpt from DCCN D21898, ERN 0009213-0009218 (listing 191 personnel from the North Zone who were executed on 8 July 1977).

³⁴ **Written Record of Interview** of KAING Guek Eav alias Duch, dated 7 August 2007, Case File Number D11, ERN 00147517-00147527, at page (ENG) 3.

³⁵ See **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 207-208. This was done because KOY Thuon was allegedly having affairs with women under his command. *Id.*

³⁶ He was kept under surveillance after he was brought to Phnom Penh. See **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 207-208. In April of 1976 he was put under house arrest until he was sent to S-21 in January of 1977. *Id.* at page (KHM) 210-212. See also **International Statement of KHO Vanny**, dated 1980, ERN 00089756-00089770 at pages 7-8 (describing how KOY Thuon was first removed from his position for allegedly having an affair and then killing the woman's husband to cover up the affair and only later after he had been interrogated was he accused of having been a CIA agent and having attempted to poison POL Pot).

³⁷ In March 1976, SON Sen was named Deputy Prime Minister for National Defense. **CPK Central Committee Directive** entitled *Decision of the Central Committee regarding a number of matters*, dated 30 March 1976, DCCN D00693, ERN 00003136-00003142. See also **DK People's Assembly Meeting Minutes** entitled *Document on Conference I of Legislature I of The People's Representative Assembly of Kampuchea, 11-13 April 1976*, DCCN D21227, ERN 00053603-00053645, at pages 48-49.

³⁸ **CPK Standing Committee Meeting Minutes** dated 9 October 1975, DCCN D00677, ERN 00019108-00019126, page 1 (giving SON Sen responsibility for the General Staff and Security); **DK Military Meeting Minutes** entitled *To beloved Committees of Divisions and Regiments*, DCCN D01782, ERN 00033314-00033314 (SON Sen issues instructions from the General Staff to military divisions and regiments); **OCIJ Written Record of Interview with Charged Person, KANG Guek Eav alias Duch** dated 7 August, Case File D11, ERN 00147517-00147527, page (ENG) 2.

³⁹ **OCIJ Written Record of Interview with Charged Person, Khieu Samphan alias Hem** dated 13 December, Case File D46, ERN 00156741-00156751, page (ENG) 10.

⁴⁰ **Written Record of Interview** of Kaing Guek Eav alias Duch, dated 5 September 2007, Case File Number D16, ERN 00147579-00147585, at page (ENG) 5 (indicating that decisions to arrest Central Committee members were taken by the whole Standing Committee). See also *id.* at page (ENG) 6 (noting that all of SON Sen's decisions had to be approved by NUON Chea); **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 212, 226 (noting that the Pol Pot and the Standing Committee decided on the arrest of KOY Thuon and other important cadre).

⁴¹ **Written Record of Interview** of Kaing Guek Eav alias Duch, dated 7 August 2007, Case File Number D11, ERN 00147517-00147527, at page (ENG) 8 (noting that copies of KOY Thuon's confessions were sent to SON Sen, three or four pages at a time, as they were written).

⁴² See *infra* notes 54, 59.

⁴³ KOY Thuon is known to have produced a number of S-21 confessions. See **S-21 Confession of KOY Thuon**, ERN 00005844-00005993, DCCN J918; **S-21 Confession of KOY Thuon**, ERN 00005709-00005832, DCCN J919; **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00005994-00006184, DCCN J920; **S-21 Confession of KOY Thuon**, ERN 00006757-00006956, DCCN J921; **S-21 Confession of KOY Thuon**, ERN 00026253-00026318, DCCN K151.

⁴⁴ There is evidence that KOY Thuon's confessions were the result of torture. See **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00005994-00006184, at page ERN 00006159 (annotation indicating that "He confessed when we punched/drilled a hole in one side."); **UNHCHR Suspect Statement of KANG Guek Eav alias DUCH**, dated 4-6 May 1999, ERN 00002494-00002557 at page (ENG) 13-14 (indicating that KAING Guek Eav alias Duch had an interrogator named Pon beat KOY Thuon when he refused to write a confession); *Id.* at page (ENG) 29-30 (noting that KOY Thuon was tortured when he refused to write a satisfactory confession).

⁴⁵ **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00005994-00006184, at pages 166-191 (ERNs 00006159-00006184) (containing the names of alleged anti-revolutionaries throughout Cambodia).

⁴⁶ **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. This is an excerpt from the longer S-21 confession of KOY Thuon bearing ERN 00005994-00006184.

⁴⁷ According to KHIEU Samphan, KOY Thuon's arrest led to the arrest of a number of his former subordinates from the North Zone. See **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 210.

1) Comrade Sot is listed by KOY Thuon as the Chairman of the Anti-Revolutionary Committee in Sector 106. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. A Comrade Sot from Sector 106 was present in S-21 in late 1977. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 92). According to KHIEU Samphan, PA Thol alias Sot was the Secretary of Sector 106 and was arrested because he had been a subordinate of KOY Thuon. See **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 210. In addition, it appears that a confession for PA Thol alias Sot, Secretary of Sector 106, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA P126. This document is not in the possession of the Co-Prosecutors.

2) Comrade Khouen from Saut Nikum District is listed by KOY Thuon as part of the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. NHEM Nouen alias Khouen, who was on the Committee of Saut Nikum District, was listed as having completed interrogation on 21 April 1977. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 95). In addition, it appears that a confession for NHEM Nouen alias Khouen, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA N33. This document is not in the possession of the Co-Prosecutors.

3) Comrade Beng from Puok District is listed by KOY Thuon as part of the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. PRAK Sum alias Beng, who was the Secretary of Puok District, was listed as having completed interrogation on 25 March 1977. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 101). PRAK Sum alias Beng, Secretary of Puok District, was listed as being ill at S-21 on 15 May 1977. **S-21 Prisoner List**, dated 15 May 1977, DCCN D06584, ERN 00064654-00064655. In addition, it appears that two confessions for PRAK Sum alias Beng, exists at the Tuol Sleng Genocide Museum and bear document identification number TSA B8 and P46. These documents are not in the possession of the Co-Prosecutors.

4) Comrade Sean from Sector 106 was listed by KOY Thuon as the Economics member on the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. TOP Sakum alias Sean, Commerce of Sector 106, was listed as having completed interrogation by late 1977. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 97). In addition, it appears that a confession for TOP Sakum alias Sean, Commerce of Sector 106, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA T28. This document is not in the possession of the Co-Prosecutors.

5) Comrade Pov is listed as part of the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. YANG Pov, Chief of Security for Sector 106 entered S-21 on 1 March 1977 and was executed on 20 June 1977. **S-21 Execution Log**, dated 20 June 1977, DCCN D01172, ERN 00072518-00072527 (entry number 41). He produced a confession dated 24 April 1977. **S-21 Confession of [REDACTED]**, dated 24 April 1977, DCCN J384, ERN 00004599-00004610 (former Security Chairman of Sector 106). In addition, it appears that another confession of YANG Pov exists and bears DC-Cam document identification number J762. This document is not in the possession of the Co-Prosecutors. It also appears that another confession for YANG Pov, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA Y95. This document is not in the possession of the Co-Prosecutors.

6) Comrade Hean was listed as the Chairman of the military forces of the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. It appears that a confession for NOU Chhan alias Hean, Secretary of Division 335 from Sector 106, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA N158. This document is not in the possession of the Co-Prosecutors.

7) Comrade Paul was listed as the Vice Chairman of the military forces of the Anti-Revolutionary Committee. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. CHAN Phaul alias Paul, Deputy Secretary of Division 335 from Sector 106 was arrested on 26 February 1977 and was

listed as having completed interrogation on 19 May 1977. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 105).

8) In addition, two more of the individuals on KOY Thon's list of anti-revolutionary military forces were sent to S-21: Comrade Peng and Comrade Hoh. **S-21 Confession of KOY Thuon**, dated 19 February 1977, ERN 00006182-00006183. SAO Peng alias Ham, Secretary of Regiment 105 was arrested on 27 November 1976. **S-21 Execution Log**, dated 12 May 1977, excerpt from DCCN D21898, ERN 00009195-00009198 (entry number 5). CHHIM Meas alias Hoh from Regiment 105 of Division 335 was arrested on 27 November 1976. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 109). In these two cases, it appears that the individuals were arrested and sent to S-21 before they were implicated by KOY Thuon. SAO Peng alias Ham may have been initially arrested because of his alleged connections with HOU Yuon. **S-21 Confession of [REDACTED]**, DCCN D13527, ERN 00021143-00021143 (titled "Concerning HOU Yuon" and implicating HOU Yuon and TIV Ol). In addition, it appears that a confession for SAO Peng alias Ham, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA S40. This document is not in the possession of the Co-Prosecutors.

⁴⁸ **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (indicating that 21 personnel from Sector 106, numbers 86, 92-109, 469, and 527 on the list, were present at S-21); **S-21 Execution Log**, dated 20 June 1977, DCCN D01172, ERN 00072518-00072527 (indicating that 18 personnel from Sector 106, numbers 41 to 58 on the list, were executed at S-21); **S-21 Prisoner List**, dated 15 May 1977, DCCN D06584, ERN 00064654-00064655 (indicating that 3 individuals from Sector 106 were sick); **S-21 Execution Log** entitled "List of people from Sector 106 executed on 7 July 1977," excerpt from DCCN D21898, ERN 00009185-00009186 (list of 46 individuals from Sector 106 executed on 7 July 1977); **S-21 Execution Log**, dated 12 May 1977, excerpt from DCCN D21898, ERN 00009195-00009198 (indicating that 8 individuals from Sector 106 were executed on 12 May 1977); **S-21 Execution Log**, dated 3 July 1977, excerpt from DCCN D21898, ERN 00009274-00009276 (indicating the execution of the Secretary of Chong Kal District, Sector 106, number 68 on the list); **S-21 Confession of [REDACTED]**, dated 24 April 1977, DCCN J384, ERN 00004599-00004610 (former Security Chairman of Sector 106); **S-21 Confession of [REDACTED]**, DCCN D13527, ERN 00021143-00021143 (Member of Regiment 105 of Sector 106).

In addition, it appears that a number of confessions of personnel from Sector 106 exist at the Tuol Sleng Genocide Museum. These include those of: 1) Long Chhoeut alias Chaum, Sector 106 Headquarters, TSA No. L54; 2) Long La alias Chhun, Telegraph reader from Sector 106, TSA No. L55; 3) Nuon Phon alias Long, Member of Kralanh District, TSA No. N165; PUM Lai, Head of Vehicle Group, Sector 106, TSA No. P266; and [REDACTED], Member of Ampil District, TSA No. V22. These documents are not in the possession of the Co-Prosecutors.

⁴⁹ KAING Guek Eav alias DUCH, who commanded S-21 for most of the DK period, has testified that everybody who entered S-21 was eventually executed. **OCIJ Written Record of Interview with Charged Person, Kaing Guek Eav alias Duch** dated 7 August 2007, Case File D11, ERN 00147517-00147527, page (ENG) 8. (Duch refers to execution at S-21 as systematic and says: "for those sent to S 21, it had already been decided to smash them all... At S 21 there was no right to release."); **OCIJ Written Record of Interview with Charged Person, Kaing Guek Eav** dated 5 September 2007, Case File D16, ERN 00147579-00147585, page (ENG) 4 (Duch describes how Nuon Chea told him that "all persons sent to S-21 had to be killed - as I was in charge of S-21, I implemented his orders."); **OCIJ Written Record of Interview with Charged Person, Kaing Guek Eav** dated 23 August 2007, Case File D13, ERN 00147563-00147573, page (ENG) 3 (Duch describes receiving an "absolute order" on 2 or 3 January 1979 from Nuon Chea to "smash" all prisoners at S-21); **OCIJ Written Record of Interview with Charged Person, Kaing Guek Eav** dated 3 October 2007, Case File D21, ERN 00149907-00149919, page (ENG) 5 (Duch says: "All persons in detention had to be smashed. At the beginning, the killings were done in Phnom Penh, west of S-21. Later, because of a fear of disease, the killing was done at Choeung Ek").

⁵⁰ **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (prisoners numbered 86, 93, 95, 100-105, 107-109, and 527 on the prisoner list); **S-21 Prisoner Log**, dated 15 May 1977, DCCN D06584, ERN 00064654-00064655; **S-21 Execution Log** entitled "List of people from Sector 106 executed on 7 July 1977," excerpt from D21898, ERN 00009185-00009186.

⁵¹ The confession of [REDACTED], the former Security Chairman of Sector 106, was sent to "Angkar." **S-21 Confession of [REDACTED]**, dated 24 April 1977, DCCN J384, ERN 00004599-00004610 (former Security Chairman of Sector 106) (indicating on the cover page that one copy was sent to "Angkar" on 8 April 1977). A copy was also sent to KE Pauk. *Id.* (indicating on the cover page that a copy was sent to "Comrade Pauk"). In his autobiography, KE Pauk admits receiving documents from the Centre related to the arrest of KOY Thuon and his associates. **Autobiography of KE Pauk**, ERN (KHM) 00164118-00164137, ERN (ENG) 00089708-00089716 at pages (ENG) 6 (noting that documents relating to KOY Thuon were sent to him and that he was shown lists of his subordinates who had been accused of being CIA agents).

According to one S-21 document, 17 copies were made of YANG Pov's confession. It is not known where the other copies were sent. **S-21 Prisoner List**, dated October 1977, DCCN D10999, ERN 00082795-00082814 (entry number 100, right-hand column). This same document indicates that multiple copies were made of a number of confessions related to Sector 106 and suggests that these copies were intended for use outside of S-21. *Id.* (right-hand column).

⁵² **S-21 Confession of [REDACTED]**, dated 24 April 1977, DCCN J384, ERN 00004599-00004610 (former Security Chairman of Sector 106) at page (KH) 2. YANG Pov also implicated numerous other alleged enemies who were purportedly hiding in the North Zone. *Id.*

⁵³ **S-21 Confession of [REDACTED]**, Deputy Secretary of the North Zone, dated 3 April 1977, DCCN C120, ERN 00070431-00071084. See also **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 210 (noting that Sreng, the Deputy Secretary of the North Zone, was sent to S-21).

In addition, it appears that a confession for SAM Sarom alias Srun of the Stong District Committee, exists at the Tuol Sleng Genocide Museum and bears document identification number TSA S66. This document is not in the possession of the Co-Prosecutors.

⁵⁴ **DC-Cam Statement of [REDACTED]**, dated 19 August 2003, DCCN KDI0328, ERN 00008249-00008362. See also **National Book** entitled "Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea," by KHIEU Samphan, dated October 2007, ERN 00164142-00164148, at page (KHM) 207-212 (describing KHIEU Samphan's knowledge of the purge of KOY Thuon and his former subordinates).

⁵⁵ **DC-Cam Statement of [REDACTED]**, dated 24 October 2003, DCCN KCI0442, ERN 00019592-00019614.

⁵⁶ **DC-Cam Statement of [REDACTED]**, dated 13 July 2002, DCCN KTI0130/I03003, ERN 00055219-00055277 (noting that those connected with the North Zone were seized and taken away in vehicles with Office 870 license plates).

⁵⁷ **Autobiography of KE Pauk**, ERN (KHM) 00164118-00164137, ERN (ENG) 00089708-00089716 at pages (ENG) 5-7.

⁵⁸ **DC-Cam Statement of [REDACTED]** dated 9 March 2003, DCCN KCI0240/I02055, ERN 00053839-00053893 (noting that the whole North Zone was said to be a CIA network and the arrest of KOY Thuon was followed by the arrest of all the others); **DC-Cam Statement of [REDACTED]**, dated 10 February 2004, DCCN KCI1036/I06310, ERN 00095732-00095751 (noting that he was arrested because of his connections to KOY Thuon even though he had never met him); **DC-Cam Statement of [REDACTED]**, dated 5 December 2002, DCCN KDI0137/K00675, ERN 00054505-00054571 (noting that her husband was arrested in mid-1977 because of his association with the North Zone and KOY Thuon who had been accused of treason and arrested); **DC-Cam Statement of [REDACTED]**, dated 13 February 2003, DCCN KTI0197/I10321, ERN 00057181-00057283 (noting that: 1) the "research" that followed KOY Thuon's arrest resulted in the arrest of many ex-North Zone cadres in Kompong Saom, with the arrests beginning in late 1976 and accelerating in 1977; and 2) a wave of executions and arrests also occurred in the North Zone itself, with those arrested taken away by the truck load).

⁵⁹ **DC-Cam Statement of [REDACTED]** dated 27 June 2003, DCCN KTI0350/I06297, ERN 00055399-00055453 (noting that he attended meetings at which tapes of KOY Thuon's confessions were played and that he heard in Phnom Penh that all of the North Zone cadres had been arrested); **DC-Cam Statement of [REDACTED]** dated 13 Aug 2003, DCCN KCI0434/K00743, ERN 00053936-00053961 (noting that: 1) her husband was arrested around the same time as KOY Thuon and accused of being a North Zone traitor; 2) the whole North Zone was said to have become traitors; and 3) it was publicly announced that KOY Thuon and his North Zone links were all traitors); **DC-Cam Statement of [REDACTED]**, dated 13 July 2002, DCCN KTI0130/I03003, ERN 00055219-00055277 (noting that workers were summoned to meetings at which it was announced that KOY Thuon was a traitor and that the arrested North Zone cadres were being replaced with new cadre coming from the Southwest Zone);

⁶⁰ **DC-Cam Statement of [REDACTED]**, dated 24 October 2003, DCCN KCI0442, ERN 00019592-00019614 (noting that documents were distributed at a Party conference indicating that KOY Thuon was a traitor shortly after the arrest of KOY Thuon and the other Northerners); **DC-Cam Statement of [REDACTED]** Ri, dated 2 February 2003, DCCN KTI0131/I02908, ERN 00055278-00055328 (noting that the greatest number of arrests took place in 1977 after the arrest of KOY Thuon and that Thuon's arrest was explained in documents which were distributed to him and then discussed in meetings convened by his superiors).

⁶¹ **Book by Department of Press and Information of the Ministry of Foreign Affairs of DK** entitled "Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea," dated September 1978, ERN 00082510-00082560 (ENG) and 00083173-00083284 (FR), at page (ENG) 59 and

(FR) 73 (accusing KOY Thuon of being a traitor who attempted to assassinate POL Pot and NUON Chea in 1970 and noting that he was arrested in 1976 and confessed).