

ANNEX:

List of paragraphs and portions of the Closing Order relevant to Case 002/02¹1. Factual Findings

- (i) Historical background (paragraphs 18-32)²
- (ii) Administrative structures (Centre) (33-63)³
- (iii) Administrative structures (National) (64-71)⁴
- (iv) Communication structure (72-112)⁵
- (v) Military structure (113-149)⁶
- (vi) Armed conflict (150-155)

2. Factual Findings of Joint Criminal Enterprise (156-159)⁷

- (i) *Movement of Population* (160-163, 165, 167)⁸ (implementation limited to the treatment of the Cham during movement of population (phase two))
- (ii) *Cooperatives and Worksites* (168-177) (implementation limited to relevant underlying offences)
- (iii) *Security Centres and Execution Sites* (178-203) (including internal purges,⁹ implementation limited to relevant underlying offences)
- (iv) *Treatment of Targeted Groups*
 - a. Cham (205-207, 211-212) (implementation excluding the Kroch Chhmar Security Centre)
 - b. Vietnamese (205-207, 213-215) (implementation excluding the crimes committed by the Revolutionary Army of Kampuchea on Vietnamese Territory)

¹ Where appropriate, the Chamber indicates in the footnotes below those paragraphs that were also included within the scope of Case 002/01 (Case 002/01, Annex: List of Paragraphs and Portions of the Closing Order relevant to Case 002/01, Amended further to the Trial Chamber's Decision on IENG Thirith's Fitness to Stand Trial (E138) and the Trial Chamber's Decision on Co-Prosecutors' Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01 (E163), E124/7.3 ("Case 002/01 Annex")).

² Case 002/01 Annex, p. 1 (paras 18-32).

³ Case 002/01 Annex, p. 1 (paras 33-36).

⁴ Case 002/01 Annex, p. 1 (paras 64-71).

⁵ Case 002/01 Annex, p. 1 (paras 72-112).

⁶ Case 002/01 Annex, p. 1 (paras 113-149).

⁷ Case 002/01 Annex, p. 1 (paras 156-159).

⁸ Case 002/01 Annex, p. 1 (paras 160-163, 165).

⁹ In addition to those sections included within the scope of Case 002/02, the Chamber notes that further facts relating to the North Zone purges are set out in the section of the Closing Order regarding the North Zone Security Centre (paras 572-587). Further facts relating to the East Zone purges are set out in the sections of the Closing Order regarding the Steung Tauch Execution Site (paras 715-738) and movement of population (phase three) (paras 283-300). Upon reasoned application, the Chamber may expand the scope of Case 002/02 to include additional facts relating to internal purges in the North and East Zones, subject to the right of the Accused to have adequate time and facilities for the preparation of a defence and the right of all parties to be provided with timely notice.

- c. Buddhists (205-207, 210) (implementation limited to Tram Kok Cooperatives)
- d. Former Khmer Republic Officials (205-209)¹⁰ (implementation limited to Tram Kok Cooperatives, 1st January Dam Worksite, S-21 Security Centre and Kraing Ta Chan Security Centre)
- (v) *Regulation of Marriage* (216-220) (nationwide)

3. Factual Findings of Crimes

Movement of the Population

- (i) Phase Two (266, 268, 281)¹¹ (limited to the treatment of the Cham)

Cooperatives and Worksites

- (ii) Tram Kok Cooperatives (302-321)
- (iii) Trapeang Thma Dam Worksite (323-349)
- (iv) 1st January Dam Worksite (351-367)
- (v) Kampong Chhnang Airport Construction Site (383-398)

Security Centres

- (vi) S-21 Security Centre (415-474)
- (vii) Kraing Ta Chan Security Centre (489-514)
- (viii) Au Kanseng Security Centre (589-623)
- (ix) Phnom Kraol Security Centre (625-642)

Treatment of Targeted Groups

- (x) Treatment of Buddhists (740-743) (limited to Tram Kok Cooperatives)
- (xi) Treatment of the Cham (745-770, 776-789) (excluding the Kroch Chhmar Security Centre)
- (xii) Treatment of Vietnamese (791-831) (excluding the crimes committed by the Revolutionary Army of Kampuchea on Vietnamese Territory)

The Regulation of Marriage

- (xiii) Regulation of Marriage (842-860) (nationwide)

4. Roles of the Accused

- (i) NUON Chea (862-901, 903-993)¹² (limited to relevant underlying offences)
- (ii) KHIEU Samphan (1126-1162, 1164-1200)¹³ (limited to relevant underlying offences)

5. Legal findings

¹⁰ Case 002/01 Annex, p. 1 (paras 205-209).

¹¹ Case 002/01 Annex, p. 1 (paras 266, 268, 281).

¹² Case 002/01 Annex, pp. 1-2 (paras 862-901, 975-977).

¹³ Case 002/01 Annex, p. 2 (paras 1126-1162, 1191-1193).

(i) Genocide (1335)

(a) *Genocide by killing: Cham* (1336-1342)(b) *Genocide by killing: Vietnamese* (1343-1349)

(ii) Crimes Against Humanity

(a) "*Chapeau*" elements (1350-1372)¹⁴(b) *Underlying offences constituting crimes against humanity*

1. Murder (1373-1380) (limited to Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres; and the treatment of Buddhists, the Cham and Vietnamese)
2. Extermination (1381-1390) (limited to movement of population phase two (limited to treatment of the Cham); Tram Kok Cooperatives; Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres; and treatment of the Cham and Vietnamese)
3. Enslavement (1391-1396) (limited to Tram Kok Cooperatives; Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; and S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres)
4. Deportation (1397-1401) (limited to Tram Kok Cooperatives and treatment of Vietnamese in Prey Veng and Svay Rieng)
5. Imprisonment (1402-1407) (limited to Tram Kok Cooperatives; S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres; and treatment of the Cham)
6. Torture (1408-1414) (limited to Tram Kok Cooperatives; S-21, Kraing Ta Chan and Phnom Kraol Security Centres; and treatment of the Cham)
7. Persecution on Political Grounds (1415-1418, 1423-1425) (limited to movement of population (phase two) (limited to treatment of the Cham); Tram Kok Cooperatives; Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; and S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres;)
8. Persecution on Religious Grounds (1415, 1419-1421, 1423, 1425) (limited to movement of population phase two (limited to treatment of the Cham); Tram Kok Cooperatives; 1st January Dam Worksite; and treatment of Cham)
9. Persecution on Racial Grounds (1415, 1422-1423, 1425) (limited to Tram Kok Cooperatives; S-21, Kraing Ta Chan and Au Kanseng Security Centres; and treatment of Vietnamese in Prey Veng and Svay Rieng)

¹⁴ Case 002/01 Annex, p. 2 (paras 1350-1372).

10. Other Inhumane Acts through Rape¹⁵ (1426-1433) (limited to Tram Kok Cooperatives; S-21 and Kraing Ta Chan Security Centres; and in the context of forced marriage)
 11. Other Inhumane Acts through “Attacks against human dignity” (1434-1441) (limited to movement of population (phase two) (limited to treatment of the Cham); Tram Kok Cooperatives; Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; and S-21, Kraing Ta Chan, Au Kanseng and Phnom Kraol Security Centres)
 12. Other Inhumane Acts through Forced Marriage (1442-1447) (nationwide)
 13. Other Inhumane Acts through Forced Transfer (1448-1469) (movement of population (phase two) (limited to treatment of the Cham))
 14. Other Inhumane Acts through Enforced Disappearances (1470-1478) (limited to movement of population (phase two) (limited to treatment of the Cham); Tram Kok Cooperatives; Trapeang Thma Dam, 1st January Dam and Kampong Chhnang Airport Worksites; and Kraing Ta Chan and Phnom Kraol Security Centres)
- (iii) Grave Breaches of the Geneva Conventions 1949 (1479)
- (a) “*Chapeau*” elements (1480-1490)
 - (b) *Underlying offences constituting grave breaches of the Geneva Convention 1949*
 1. Wilful killing (S-21 Security Centre (1491-1493) and Au Kanseng Security Centre (1494-1495))
 2. Torture (S-21 Security Centre (1498-1500))
 3. Inhumane treatment (S-21 Security Centre (1501-1503))
 4. Wilfully causing great suffering or serious injury to body or health (S-21 Security Centre (1504-1506))
 5. Wilfully depriving a prisoner of war or a civilian the rights of fair and regular trial (S-21 Security Centre (1507-1510) and Au Kanseng Security Centre (1511-1514))
 6. Unlawful deportation of a civilian (S-21 Security Centre (1515-1517))
 7. Unlawful confinement of a civilian (S-21 Security Centre (1518-1520))

6. Modes of responsibility

- (i) Joint Criminal Enterprise (1521-1542) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)

¹⁵ The Pre-Trial Chamber found that, in 1975-1979, rape did not exist as a stand-alone crime against humanity and struck rape from the Closing Order. The Pre-Trial Chamber considered that facts characterised as the crime against humanity in the form of rape can be categorised as the crime against humanity of other inhumane acts (Decision on IENG Thirith and NUON Chea’s Appeal against the Closing Order (PTC), D427/3/12, 13 January 2011, p. 6).

(ii) Other Modes of Responsibility (1543)

- (a) *Planning* (1544-1545) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)
- (b) *Instigating* (1547-1548) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)
- (c) *Aiding and Abetting* (1550-1551) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)
- (d) *Ordering* (1553-1554) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)
- (e) *Superior Responsibility* (1557-1560) (limited to the responsibility of the Accused NUON Chea and KHIEU Samphan, and relevant underlying offences)

7. Character

- (i) NUON Chea (1577-1584)¹⁶
- (ii) KHIEU Samphan (1598-1604)¹⁷

8. Dispositive (1613) (limited to relevant underlying offences)

¹⁶ Case 002/01 Annex, p. 3 (paras 1577-1584).

¹⁷ Case 002/01 Annex, p. 3 (paras 1598-1604).