

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)

1. Factual findings

- (i) Historical background (paragraphs 18-32)
- (ii) Administrative Structures
 - (a) *Communist Party of Kampuchea* (33-36)
 - (b) *Central Committee* (37-40)
 - (c) *Standing Committee* (41-47)
 - (d) *Offices of "870"* (48-63)
- (iii) Administrative Structures (National) (64-71)
- (iv) Communications Structure (72-112)
- (v) Military Structure
 - (a) *Establishment of the Revolutionary Army of Kampuchea* (113-115)
 - (b) *Role of the RAK* (116-118)
 - (c) *CPK Centre Military Organs* (119-149) (note: paragraphs 146-149 include general allegations concerning the role of the RAK in purges)
- (vi) Factual Findings JCE (156-159)
- (vii) Policy as implemented – movement of the population (160-165) (all limited to population movement phases one and two) and treatment of targeted groups (205-209) (all limited to the targeting of former officials of the Khmer Republic at Tuol Po Chrey).

2. Factual findings concerning crimes alleged**Movement of population Phase 1:**

- (i) (221-241)
- (ii) Reasons given and justification of policy (242-249)
- (iii) Planning (250-260)

Movement of population Phase 2:

- (i) (262-275)
- (ii) Reasons given and justification of policy (276-278)
- (iii) Planning (279-281)

Tuol Po Chrey Execution Site: (698-711)

3. Roles of the Accused**(a) NUON Chea**

Background (862-868)

Membership of the Central and Standing Committees (869-872)

Role in Security Apparatus (873-879)

Propaganda (880-887)

Acting Prime Minister (888)
 Chairman Peoples' Representative Assembly & Standing Committee of People's
 Representative Assembly (889-890)
 Other roles (891-892)
 Association with other CPK senior leaders (893-894)
 Participation in the Common Purpose – movement of population (limited to population
 movement phases one and two) (895-901) and targeting of groups (975-977) (all limited to
 targeting of former officials of the Khmer Republic)

(b) IENG Sary
 Background (994-1000)
 Membership of the Central and Standing Committees (1001-1004)
 Deputy Prime Minister for Foreign Affairs (1005-1014)
 Other roles (1015)
 Association with other CPK senior leaders (1016-1017)
 Participation in the Common Purpose - movement of population (limited to population
 movement phases one and two) (1018-1024) and targeting of groups (1105-1113) (all limited
 to targeting of former officials of the Khmer Republic)

(c) KHIEU Samphan
 Background (1126-1130)
 Membership of Central Committee and Standing Committee (1131-1134)
 President of the State Praesidium (1135-1138)
 Chairman/leading cadre of Office 870 (1139-1141)
 Responsible for commerce, for accounting and for pricing (1142-1144)
 Other roles (1145-1150)
 Association with other CPK senior leaders (1151-1152)
 Participation in the Common Purpose - movement of population (limited to population
 movement phases one and two) (1153-1162) and targeting of groups (1191-1193) (all limited to
 targeting of former officials of the Khmer Republic)

4. Legal findings

Crimes Against Humanity (1350-1372)

Relevant underlying offences:

- (i) Murder (1373, 1375, 1377, 1379-80 (limited to population movement phase one and Tuol Po Chrey))
- (ii) Extermination (1381, 1387-1389 (limited to population movement phases one and two and Tuol Po Chrey))
- (iii) Political persecution (1415-1418, 1423-1425 (limited to population movement phases one and two and Tuol Po Chrey))
- (iv) Other inhumane acts through attacks on human dignity (1434-1436, 1439-1440 (limited to population movement phases one and two))
- (v) Other inhumane acts through forced transfer (1448-1469 (limited to population movement phases one and two))

- (vi) Enforced Disappearances (1470-1478 (limited to population movement phase two))¹

5. Modes of responsibility

(a) Joint Criminal Enterprise

1521-1525 (exclude 1525 (ii) and (iii), Grave Breaches (iv) and (v)),
1526
1528-1530

(b) Membership of JCE

1529-1531
NUON Chea (1532-1533)
IENG Sary (1534-1535)
KHIEU Samphan (1536-1537)
IENG Thirith (1538-1539)

(c) Forms of JCE

1540-1542

(d) Other Modes of Responsibility

- (i) Planning (1544-1545 (limited to relevant underlying offences))
- (ii) Instigating (1547-1548 (limited to relevant underlying offences))
- (iii) Aiding and Abetting (1550-1551 (limited to relevant underlying offences))
- (iv) Ordering (1553-1554)
- (v) Superior Responsibility (1557-1559 (limited to relevant underlying offences), 1560)

6. Character

NUON Chea (1577-1584)
IENG Sary (1585-1597)
KHIEU Samphan (1598-1604)

7. Dispositive

1613 (limited to relevant underlying offences of Crimes against humanity: (a), (b), (h) political persecution, (i) other inhumane acts including forced transfer (1448-1469) and attacks on human dignity (1434-1436, 1439-1440).

¹ Excludes extermination (except as above), enslavement, deportation, imprisonment, torture, religious and racial persecution, rape/rape in the context of forced marriage and forced disappearances.