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ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King

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Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des Tribunaux cambodgiens

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Nation Religion Roi

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**CLOSING ORDER**

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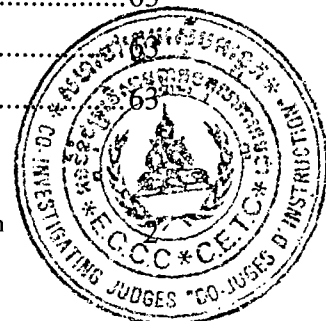
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1	PROCEDURAL HISTORY .....	6
2	PRELIMINARY MATTERS .....	13
2.1	PTC considerations in Case 004/1 and their impact on this Closing Order .....	13
2.2	Defence request to dismiss Case 004 on the grounds of <i>inter alia</i> the budgetary situation.....	13
2.3	Standard of proof .....	14
2.4	ICP request to indict for crimes alleged but not charged.....	14
3	APPLICABLE LAW .....	14
3.1	Personal jurisdiction at the ECCC .....	14
3.2	Crimes under the jurisdiction of the ECCC .....	16
3.2.1	International crimes.....	16
3.2.2	National crimes .....	38
3.3	Modes of liability.....	39
3.3.1	Modes of liability applicable to international crimes.....	39
3.3.2	Modes of liability applicable to national crimes .....	48
4	EVIDENTIARY CONSIDERATIONS.....	49
4.1	Statements other than written records of interviews generated by the OCIJ.....	49
4.2	Hearsay evidence and reliance on uncorroborated evidence .....	50
4.3	Torture-tainted evidence .....	51
4.4	Documentation Center of Cambodia mapping reports .....	53
4.5	Victim numbers .....	54
4.5.1	Calculating victim numbers based on evidence provided by a witness .....	54
4.5.2	Calculating victim numbers based on the evidence of multiple witnesses .....	55
4.5.3	Counting families .....	56
4.6	The OCIJ's list of S-21 prisoners .....	57
4.7	Letters of assurance .....	57
4.8	Impact of Case 002/2 Trial Chamber Judgement .....	58
4.9	Attempts to obtain the assistance of Vietnam, Thailand, and the United Nations ....	58
5	FACTUAL ANALYSIS AND FINDINGS.....	59
5.1	Administrative structure .....	59
5.1.1	National .....	59
5.1.2	Southwest Zone .....	62
5.1.2.1	Sector 13 .....	62
5.1.3	Northwest Zone .....	63
5.1.3.1	Sector 1 .....	63
5.1.3.2	Sector 2 .....	63

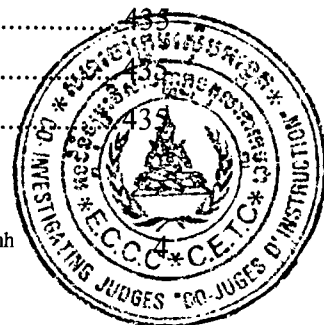




5.1.3.3	Sector 3 .....	64
5.1.3.4	Sector 4 .....	65
5.1.3.5	Sector 7 .....	66
5.1.4	Statutory powers of Zones, Sectors, and Districts in DK.....	67
5.2	Factual findings on JCE.....	74
5.2.1	Factual findings on the JCE targeting the Khmer Krom.....	74
5.2.1.1	Khmer Krom identity .....	74
5.2.1.2	History of the Khmer Krom .....	76
5.2.1.3	CPK policy on the Khmer Krom .....	80
5.2.1.4	Demographics.....	85
5.2.1.5	Killing operations in Sector 13.....	86
5.2.1.6	Killing operations in Sector 1.....	100
5.2.1.7	Killing operations in Sector 2.....	102
5.2.1.8	Killing operations in Sector 4.....	108
5.2.1.9	Killing operations in Sector 7.....	113
5.2.2	Northwest Zone JCE .....	115
5.2.2.1	Establishment and operation of cooperatives and worksites.....	115
5.2.2.2	Re-education and killing of ‘enemies’ and ‘bad elements’ and the targeting of specific groups .....	123
5.2.2.3	The regulation of marriage .....	154
5.3	Factual findings on the role of Yim Tith .....	165
5.3.1	Before April 1975 and after 6 January 1979.....	165
5.3.1.1	Personal history .....	165
5.3.1.2	Political activity.....	166
5.3.2	Role and authority of Yim Tith in the Southwest Zone .....	167
5.3.2.1	Kirivong District.....	167
5.3.2.2	Sector 13.....	173
5.3.3	Role and authority of Yim Tith in the Northwest Zone .....	179
5.3.3.1	Yim Tith in the Northwest Zone from mid-1976 until mid-1978 .....	179
5.3.3.2	Yim Tith’s appointment to positions in the Northwest Zone around June 1978 .....	180
5.3.4	Yim Tith’s conduct and contribution to the JCE seeking to eliminate the Khmer Krom .....	192
5.3.4.1	Sector 13, Southwest Zone .....	192
5.3.4.2	Sector 1, Northwest Zone .....	194
5.3.5	Yim Tith’s conduct and contribution to the JCE in the Northwest Zone.....	
5.3.5.1	Establishment and operation of cooperatives and worksites.....	
5.3.5.2	The purge of the Northwest Zone and the targeting of specific groups.....	



5.3.5.3	The regulation of marriage .....	213
5.4	Factual findings on the existence of an armed conflict with Vietnam .....	214
5.5	Factual findings on crimes .....	218
5.5.1	Sector 13.....	218
5.5.1.1	Wat Pratheat Security Centre .....	218
5.5.1.2	Kraing Ta Chan Security Centre .....	233
5.5.1.3	Preil Village Execution Site .....	259
5.5.1.4	Wat Angkun Execution Site .....	266
5.5.1.5	Slaeng Village Forest Execution Site .....	268
5.5.1.6	Wat Ang Serei Muny and Prey Sokhon Execution Site .....	273
5.5.2	Sector 1.....	279
5.5.2.1	Koas Krala Security Centre .....	279
5.5.2.2	Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite) .....	284
5.5.2.3	Kang Hort Dam Worksite.....	308
5.5.2.4	Banan Security Centre .....	327
5.5.2.5	Khnanng Kou Security Centre.....	335
5.5.2.6	Kampong Kol Sugar Factory Worksite .....	341
5.5.3	Sector 2.....	348
5.5.3.1	Phum Veal Security Centre .....	348
5.5.3.2	Svay Chrum Security Centre .....	363
5.5.3.3	Tuol Seh Nhauv Execution Site .....	372
5.5.3.4	Prey Krabau Execution Site.....	383
5.5.3.5	Chanreangsei Pagoda Execution Site .....	390
5.5.4	Sector 3.....	391
5.5.4.1	Wat Kirirum Security Centre.....	391
5.5.5	Sector 4.....	398
5.5.5.1	Wat Samdech Security Centre.....	398
5.5.5.2	Wat Po Laingka/Kach Roteh Security Centre .....	405
5.5.5.3	Targeting of Khmer Krom in Kampong Prieng and Reang Kesei Communes .....	415
5.5.6	Sector 7.....	427
5.5.6.1	Prison No. 8 .....	427
5.5.6.2	Veal Bak Chunching Execution Site .....	433
5.5.7	Forced marriage in Sectors 1 and 4.....	435
5.5.7.1	Introduction .....	
5.5.7.2	Sector 4: Reang Kesei and Kampong Prieng Communes .....	



5.5.7.3	Sector 1: Samlaut District.....	446
6	LEGAL FINDINGS ON PERSONAL JURISDICTION .....	451
7	LEGAL FINDINGS ON CRIMES .....	453
7.1	Chapeau elements of crimes against humanity.....	453
7.2	Chapeau elements of grave breaches of the Geneva Conventions of 1949 .....	454
7.3	Findings on individual crimes .....	455
7.3.1	Genocide of the Khmer Krom.....	455
7.3.2	Crimes against humanity .....	457
7.3.3	War crimes .....	462
7.3.4	Violations of the 1956 Penal Code.....	463
8	LEGAL FINDINGS ON MODES OF LIABILITY .....	465
8.1	International crimes .....	465
8.1.1	Commission via JCE .....	465
8.1.2	Direct commission.....	468
8.1.3	Planning.....	468
8.1.4	Ordering .....	468
8.1.5	Instigating.....	469
8.1.6	Superior responsibility .....	470
8.1.7	Charges to be dismissed .....	471
8.2	Domestic Crimes .....	471
8.2.1	Co-perpetration.....	471
8.2.2	Planning.....	471
8.2.3	Ordering .....	471
8.3	Mens rea.....	472
9	DECISION ON PRE-TRIAL DETENTION.....	472
10	TERMINATION ORDER UNDER RULE 66 <i>BIS</i> .....	472
11	PARTIAL DISMISSAL ORDER.....	473
12	INDICTMENT.....	475
13	TERMINATION OF THE REMAINDER OF THE INVESTIGATION REGARDING CASE 004 .....	487

- ANNEX I**     **Completion Plan chronology**  
**ANNEX II**    **Motions and requests filed with the CIJs**  
**ANNEX III**   **Witnesses of forced marriage by province**  
**ANNEX IV**    **Abbreviations/acronyms**



## 1 PROCEDURAL HISTORY

1. On 20 November 2008, the ICP issued the *Co-Prosecutors' Third Introductory Submission* ("Introductory Submission") where he alleged, *inter alia*, that **Yim Tith** was criminally responsible for a number of national and international crimes committed under the Court's temporal and territorial jurisdiction.<sup>1</sup> Due to a disagreement between the Co-Prosecutors, the Introductory Submission was forwarded to the CIJs by the Acting ICP on 7 September 2009.<sup>2</sup>
2. On 18 July 2011, 24 April 2014, 4 August 2015, and 20 November 2015, the ICP filed supplementary submissions seising the CIJs of new allegations against **Yim Tith**, pursuant to Internal Rule 55(3).<sup>3</sup>
3. Disagreements between the CIJs in this case were registered on 22 February 2013, 5 April 2013, and 21 October 2015.
4. On 9 December 2015, I charged **Yim Tith** with violations of Articles 501 and 506 (premeditated homicide) of the 1956 Penal Code, crimes against humanity, grave breaches of the Geneva Conventions, and violations of the Genocide Convention.<sup>4</sup> On 29 March 2017, after notifying the parties of my intention to do so,<sup>5</sup> I added, by judicial order, modes of liability in relation to the crimes charged on 9 December 2015.<sup>6</sup> The full record of charges against **Yim Tith** is contained within the annex to that order.<sup>7</sup>
5. On 25 August 2016, I notified the parties that the following alleged facts appear to be subject to a partial dismissal pursuant to Internal Rule 67:<sup>8</sup>

<sup>1</sup> **D1**, *Co-Prosecutors' Third Introductory Submission*, 20 November 2008.

<sup>2</sup> **D1/1**, *Acting International Co-Prosecutor's Notice on Filing of the Third Introductory Submission*, 7 September 2009.

<sup>3</sup> **D65**, *Co-Prosecutors' Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011; **D191**, *Co-Prosecutors' Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence*, 24 April 2014; **D254/1**, *Response to Forwarding Order and Supplementary Submission regarding Wat Ta Meak*, 4 August 2015; **D272/1**, *Response to Forwarding Order Dated 5 November 2015 and Supplementary Submission regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4*, 20 November 2015.

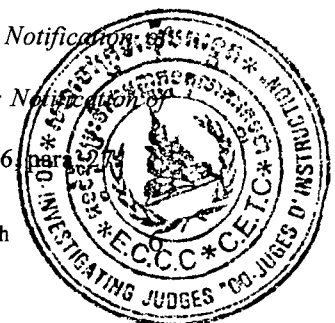
<sup>4</sup> **D281**, *Written Record of Initial Appearance of Yim Tith*, 9 December 2015.

<sup>5</sup> **D342**, *Notice of Intention to Add Modes of Liability by way of Judicial Order and of Provisional Discontinuance*, 20 January 2017.

<sup>6</sup> **D350**, *Order Amending the Charges against Yim Tith*, 29 March 2017; **D350.1**, *Annex: Notification of Amended Charges against Yim Tith*, 29 March 2017.

<sup>7</sup> **D350**, *Order Amending the Charges against Yim Tith*, 29 March 2017, para. 6; **D350.1**, *Annex: Notification of Amended Charges against Yim Tith*, 29 March 2017.

<sup>8</sup> **D302/3**, *Notice of Provisional Discontinuance regarding Individual Allegations*, 25 August 2016, para. 1.



- a. all allegations relating to Wat So Ben security centre;<sup>9</sup>
- b. all allegations relating to Saom village;<sup>10</sup>
- c. allegations of targeting, arrest and execution of Khmer Krom and Vietnamese within Thipakdei cooperative;<sup>11</sup>
- d. all allegations relating to Wat Banteay Treng security centre;<sup>12</sup>
- e. allegations of mass executions at Phnom Tra Cheak Chet;<sup>13</sup>
- f. all allegations relating to Trach Kraol security centre also known as Boeng Bat Kandal prison;<sup>14</sup>
- g. all allegations relating to the La-Ang Phnom Kuoy Yum caves;<sup>15</sup>
- h. allegations relating to the targeting, arrest and execution of Vietnamese within Reang Kesei commune;<sup>16</sup>
- i. allegations relating to the rape and murder of two women of Vietnamese descent in Preah Net Preah district;<sup>17</sup> and
- j. all alleged crimes relating to Tuol Purchrey execution site,<sup>18</sup>

(together, the “Rule 67 Facts”).

<sup>9</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 12.

<sup>10</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 12.

<sup>11</sup> **D191**, *Co-Prosecutors’ Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence*, 24 April 2014, para. 8.

<sup>12</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 62.

<sup>13</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 7.

<sup>14</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 16.

<sup>15</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 70.

<sup>16</sup> **D191**, *Co-Prosecutors’ Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence*, 24 April 2014, para. 8.

<sup>17</sup> **D191**, *Co-Prosecutors’ Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence*, 24 April 2014, para. 9.

<sup>18</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 73; **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, paras 18-19.





6. The reasons relating to the treatment of the Rule 67 Facts are set out in my *Request for Comments regarding Alleged Facts Not to Be Investigated Further*,<sup>19</sup> and *Notice of Provisional Discontinuance regarding Individual Allegations*.<sup>20</sup> Although the terminology used in relation to the Rule 67 Facts is of a “*partial dismissal*”, as no charges were actually laid in respect of those allegations, they fall to be terminated in the joint separate termination order issued by the CIJs today.
7. A further disagreement between the CIJs was registered on 16 January 2017.
8. On 13 June 2017, I issued a decision reducing the scope of the investigation by excluding the following alleged facts pursuant to Internal Rule 66 *bis* (“Rule 66 *bis* Decision”):<sup>21</sup>
  - a. all allegations relating to Damnak Reang execution site;<sup>22</sup>
  - b. allegations of forced marriage near Kang Hat Dam;<sup>23</sup>
  - c. allegations in relation to sites in Sector 5, Northwest Zone:
    - i. Phnom Trayoung security centre and worksite;<sup>24</sup>
    - ii. Spean Spreng and Prey Roneam Dam worksites;<sup>25</sup>
    - iii. Wat Preah Net Preah and related detention and execution sites;<sup>26</sup>
    - iv. Phum Chakrey security centre and execution site;<sup>27</sup>
    - v. Prey Taruth execution site;<sup>28</sup>
    - vi. Wat Chamkar Khnol execution site,<sup>29</sup> and

<sup>19</sup> **D302**, *Request for Comments regarding Alleged Facts Not to Be Investigated Further*, 4 March 2016, paras 3-5.

<sup>20</sup> **D302/3**, *Notice of Provisional Discontinuance regarding Individual Allegations*, 25 August 2016, paras 27-31.

<sup>21</sup> **D359**, *Decision to Reduce the Scope of Judicial Investigation Pursuant to Internal Rule 66 bis*, 13 June 2017.

<sup>22</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 9.

<sup>23</sup> **D272/1**, *Response to Forwarding Order Dated 5 November 2015 and Supplementary Submission regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4*, 20 November 2015, para. 6.

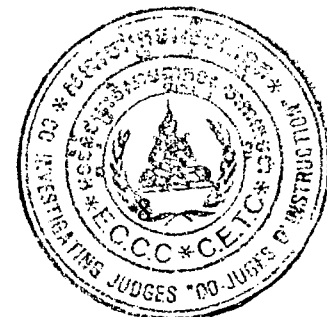
<sup>24</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, paras 74-75.

<sup>25</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 79.

<sup>26</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 77.

<sup>27</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 76.

<sup>28</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 76.



- vii. Trapeang Thma Dam worksite;<sup>30</sup>
- d. facts relating to Anlong Vil Breng and related execution site;<sup>31</sup>
- e. facts relating to Phnom Tra Chek Chet worksite;<sup>32</sup>
- f. facts relating to Banteay O Ta Krey execution site;<sup>33</sup>
- g. facts relating to Wat Kandal security centre;<sup>34</sup>
- h. facts relating to Wat Banteay Neang security centre;<sup>35</sup> and
- i. facts relating to Wat Thoamayutt security centre,<sup>36</sup>
- (together, the “Excluded Facts”).
9. Certain of the Excluded Facts formed the basis of certain charges against **Yim Tith**, namely, crimes against humanity and/or premeditated murder committed at Anlong Vil Breng and related execution site, Phnom Tra Cheak Chet worksite, Banteay O Ta Krey execution site, Wat Kandal security centre, Wat Banteay Neang security centre, Wat Thoamayutt security centre, Phnom Trayoung security centre and worksite, Spean Sreng and Prey Roneam dam worksites, Wat Preah Net Preah and related detention and execution sites, Phum Chakrey security centre and execution site, Prey Taruth execution site, Wat Chamkar Khol execution site, and Trapeang Thma Dam worksite.<sup>37</sup>
10. The reasons for reducing the scope of the investigation were set out in my *Notice of Provisional Discontinuance Regarding Individual Allegations*,<sup>38</sup> *Notice of Intention to*

<sup>29</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 71.

<sup>30</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 78.

<sup>31</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 7.

<sup>32</sup> **D65**, *Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom*, 18 July 2011, para. 7.

<sup>33</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 61.

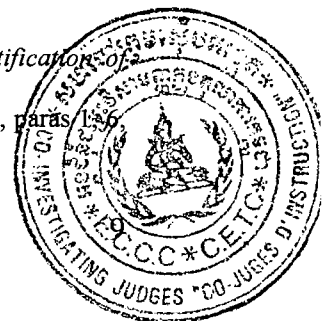
<sup>34</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, paras 65-66.

<sup>35</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, para. 69.

<sup>36</sup> **D1**, *Co-Prosecutors’ Third Introductory Submission*, 20 November 2008, paras 63-64.

<sup>37</sup> **D350**, *Order Amending the Charges against Yim Tith*, 29 March 2017; **D350.1**, *Annex: Notification of Amended Charges against Yim Tith*, 29 March 2017, pp. 2-3, 7-8, 10-15.

<sup>38</sup> **D302/3**, *Notice of Provisional Discontinuance Regarding Individual Allegations*, 25 August 2016, paras 17-26.



*Add Modes of Liability by way of Judicial Order and of Provisional Discontinuance*,<sup>39</sup> *Notice of Provisional Discontinuance Regarding Facts Relating to Six Crime Sites*,<sup>40</sup> and *Notification Pursuant to Internal Rule 66 bis (2)*.<sup>41</sup> The investigation into the Excluded Facts must be formally terminated pursuant to Internal Rule 66 bis (5) and I will make that order.

11. On 13 June 2017, the CIJs notified the parties pursuant to Internal Rule 66(1) of the conclusion of the judicial investigation against **Yim Tith**, and informed them that they may request further investigative action within 15 days.<sup>42</sup> On 5 July 2017, the CIJs extended the period of time for the parties to request further investigative action to 28 July 2017.<sup>43</sup>
12. A number of investigative requests were filed by the parties in accordance with this instruction. On 5 September 2017, following the issuance of a number of decisions on those investigative requests, the CIJs issued a second notice of conclusion of the judicial investigation against **Yim Tith** and informed the parties that no additional period for requesting further investigative action was required by law.<sup>44</sup>
13. On 18 September 2017, the CIJs informed the parties to Case 004/2 that they considered separate and opposing closing orders based on a disagreement between them

<sup>39</sup> **D342**, *Notice of Intention to Add Modes of Liability by way of Judicial Order and of Provisional Discontinuance*, 20 January 2017, paras 7-44.

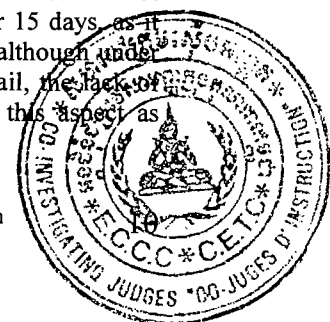
<sup>40</sup> **D349**, *Notice of Provisional Discontinuance Regarding Facts Relating to Six Crime Sites*, 17 March 2017, paras 1-5.

<sup>41</sup> **D354**, *Notification Pursuant to Internal Rule 66 bis (2)*, 4 May 2017, paras 8-10.

<sup>42</sup> **D358**, *Notice of Conclusion of Judicial Investigation against Yim Tith*, 13 June 2017.

<sup>43</sup> **D361/4**, *Decision on Yim Tith's Request for Adequate Preparation Time*, 5 July 2017.

<sup>44</sup> **D368**, *Second Notice of Conclusion of Judicial Investigation against Yim Tith*, 5 September 2017. The PTC, despite not being formally seized of this aspect at the time, has since stated *obiter* in a Case 004 decision that, according to its interpretation of Internal Rule 66(1), a further 15 days from the date of notification of a second notice of conclusion should have been granted to the parties by the CIJs in order to review any newly collected evidence (see **D361/4/1/10**, *Decision on Yim Tith's Appeal Against the Decision on Yim Tith's Request for Adequate Preparation Time*, 13 November 2017, paras 23-27). We did not consider it necessary to grant the parties in Case 004 a further 15 days to request investigative action in light of the PTC's comments as we considered it unlikely that any party had suffered prejudice as a result of us not granting the further 15 days, and certainly not prejudice to the extent that would constitute an exceptional case warranting a reconsideration of our decision. This is reinforced by the fact that no party in Case 004 appealed our second notice of conclusion or raised the lack of a further 15-day period as an issue, nor did they seek reconsideration of the second notice of conclusion since the PTC's comments were made. This constitutes an informed implied waiver of an additional 15-day period under Internal Rule 66(1), which means the comment by the PTC on the law is moot. It is of relevance in this context that the PTC neither saw fit to formally order the CIJs to grant another 15 days, as it could in theory have done, given that the appeal was after all about adequate preparation time (although under its own reasoning, which did not engage with the CIJs' opposing reasoned opinion in any detail, the fact of another 15-day period could be qualified as a major procedural defect), nor did it consider this aspect as sufficient grounds to extend the preparation time itself as requested by the Defence.



as permissible under the law applicable before the ECCC, and of the likely consequences for the appellate process under Internal Rule 77(13).<sup>45</sup> The parties to Case 004 were notified of this decision, which was later re-classified as public.

14. On 1 March 2018, the CIJs forwarded the Case File to the Co-Prosecutors for their final submissions, and permitted the ICP to file his final submission in English alone within three months of notification of the forwarding order in, with the full Khmer translation to be filed as soon as possible thereafter.<sup>46</sup>
15. On 31 May 2018, the NCP filed her final submission, requesting that the allegations against **Yim Tith** be dismissed on the grounds that **Yim Tith** does not fall within the personal jurisdiction of the ECCC (“NCP Final Submission”).<sup>47</sup>
16. On 5 June 2018, the ICP’s final submission was notified, requesting that **Yim Tith** be indicted for the charges set out therein (“ICP Final Submission”, together with the NCP Final Submission, the “OCP Submissions”).<sup>48</sup>
17. On 20 June 2018, the CIJs granted the Defence three months to respond to the OCP’s Submissions in English only, counting from the date of the notification of the Khmer translation of the ICP’s Final Submission, with the translation in Khmer to follow as soon as possible.<sup>49</sup>
18. On 20 August and 27 September 2018, the PTC dismissed annulment applications by the Defence relating to, respectively, requests and use of civil parties’ supplementary information and associated investigative products,<sup>50</sup> and allegedly torture-tainted or derived evidence.<sup>51</sup> On 19 October 2018, the PTC found inadmissible **Yim Tith**’s

<sup>45</sup> **Case File No. 004/2-D355/1**, *Decision on Ao An’s urgent request for disclosure of documents relating to disagreements*, 18 September 2017, paras. 13-16.

<sup>46</sup> **D378**, *Forwarding Order pursuant to Internal Rule 66(4)*, 1 March 2018, para. 33.

<sup>47</sup> **D378/1**, *Final Submission concerning Yim Tith pursuant to Internal Rule 66*, 31 May 2018, paras 34, 36.

<sup>48</sup> **D378/2**, *International Co-Prosecutor’s Rule 66 Final Submission against Yim Tith*, 4 June 2018, paras 1155-1183.

<sup>49</sup> **D378/4**, *Decision on Time Granted to the Defence to Respond to the Final Submissions by the Co-Prosecutors*, 20 June 2018.

<sup>50</sup> **D370/1/1/6**, *Decision on Yim Tith’s Application to Annul the Requests for and Use of Civil Parties’ Supplementary Information and Associated Investigative Products in Case 004*, 20 August 2018.

<sup>51</sup> **D372/1/7**, *Decision on Yim Tith’s Application to Annul Evidence Made as a Result of Torture*, 27 September 2018.



appeal of my decision on a request for correction of translation errors in written records of interview (“WRI”).<sup>52</sup>

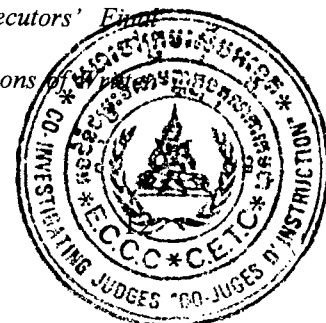
19. On 26 November 2018, the Defence filed their response to the OCP’s Submissions, requesting the CIJs to dismiss the case against **Yim Tith** on the grounds that (a) **Yim Tith** does not fall within the personal jurisdiction of the ECCC; or (b) the fairness and integrity of the proceedings against **Yim Tith** have been irremediably vitiated such that neither fair nor expeditious proceedings are now possible; or (c) there is insufficient evidence to indict and send **Yim Tith** to trial for the charged crimes.<sup>53</sup>
20. On 10 January 2019, the CIJs issued an order in relation to corrections to trial transcripts and written records of interview, notifying the parties, *inter alia*, that no further requests for corrections to trial transcripts or written records of interview already on Case File 004 would be entertained.<sup>54</sup>
21. On 21 January 2019, the CIJs registered a disagreement regarding the issuance of separate and opposing closing orders.
22. On 11 April 2019, the CIJs reclassified three written records of interview, and notified the parties that only exculpatory evidence contained therein would be taken into account in closing order drafting.<sup>55</sup>

<sup>52</sup> **D377/1/1/3**, *Decision on Yim Tith’s Appeal of the Decision on Yim Tith’s Request for Correction of Translation Errors in Written Records of Interview*, 19 October 2018.

<sup>53</sup> **D378/5**, *Yim Tith’s Combined Response to the National and International Co-Prosecutors’ Final Submissions*, 26 November 2018, p. 581.

<sup>54</sup> **D379**, *Order on Revised Trial Transcripts from Case 002 filed on Case File 004 and Revisions of Written Records of Interview on Case File 004*, 10 January 2019.

<sup>55</sup> **D380**, *Order on Reclassification of Certain Written Records of Interview*, 11 April 2019.





## 2 PRELIMINARY MATTERS

### 2.1 PTC considerations in Case 004/1 and their impact on this Closing Order

23. In its considerations on the ICP's appeal against the Closing Order in Case 004/1,<sup>56</sup> the PTC and/or its international judges made a number of findings which in theory could have affected the content of this Closing Order. For brevity's sake, reference to my arguments in the Case 004/2 Closing Order shall suffice, in which I addressed these matters.<sup>57</sup>

### 2.2 Defence request to dismiss Case 004 on the grounds of *inter alia* the budgetary situation

24. The Defence make a number of preliminary submissions<sup>58</sup> that I consider to be settled matters and which, absent cogent reasons to do so, I will not revisit. The Defence submit that as a result of, *inter alia*, the ECCC's budgetary situation, the CIJs must dismiss Case 004.<sup>59</sup> The CIJs have already stated their views regarding the budgetary situation in their decision of 11 August 2017 and remain actively seized of the matter,<sup>60</sup> and as noted by the Defence,<sup>61</sup> the PDG reaffirmed their deep and ongoing commitment to the proper funding of the Court at their meeting with the CIJs on 20 June 2018. Once a closing order is issued, the CIJs are *functus officio*, and it will be for the PTC, TC and SCC judges to safeguard fair trial rights.<sup>62</sup>

<sup>56</sup> Case File No. 004/1-D308/3/1/20, *Considerations on the International Co-Prosecutor's Appeal of Closing Order (Reasons) (PTC)*, 28 June 2018.

<sup>57</sup> Case File No. 004/2-D360, [Redacted] *Closing Order (Indictment)*, 16 August 2018, paras 17-38.

<sup>58</sup> D378/5, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, Part I - Preliminary Objections.

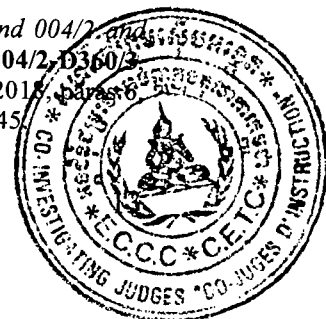
<sup>59</sup> D378/5, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, paras 307-351.

<sup>60</sup> D355/9, *Combined Decision on the Impact of the Budgetary Situation on Cases 003, 004, and 004/2 and Related Submissions by the Defence for Yim Tith*, 11 August 2017.

<sup>61</sup> D378/5, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, para. 343.

<sup>62</sup> D355/9, *Combined Decision on the Impact of the Budgetary Situation on Cases 003, 004, and 004/2 and Related Submissions by the Defence for Yim Tith*, 11 August 2017, para. 18; Case File No. 004/2-D360/3

[Public] *Decision on Ao An's Urgent Request for Redaction and Interim Measures*, 5 September 2018, paras 6-13; Case File No. 004/2-D360, [Redacted] *Closing Order (Indictment)*, 16 August 2018, paras 44-45.



### 2.3 Standard of proof

25. While the Defence make submissions to the contrary,<sup>63</sup> it is settled case law that the standard of proof for a decision on an indictment is one of probability.<sup>64</sup>

### 2.4 ICP request to indict for crimes alleged but not charged

26. While the ICP requests the CIJs to do so,<sup>65</sup> the CIJs have made it clear that it is impermissible to indict for crimes alleged but not charged.<sup>66</sup>

## 3 APPLICABLE LAW

### 3.1 Personal jurisdiction at the ECCC

27. Under Article 1 of the ECCC Agreement:

“[t]he purpose of the Agreement is to regulate the cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.”

28. Article 1 of the ECCC Law on the basis of the ECCC Agreement,<sup>67</sup> states:

“The purpose of this law is to bring to trial senior leaders of Democratic Kampuchea and those who were the most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognised by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.”

29. Article 2 of the ECCC Law re-iterates that the ECCC shall be established to bring to trial “*senior leaders of Democratic Kampuchea and those who were most responsible for the crimes [...] that were committed during the period from 17 April 1975 to 6 January 1979.*”

<sup>63</sup> D378/5, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, paras 469-487.

<sup>64</sup> Case File No. 004/1-D308/3, *Closing Order (Reasons)*, 10 July 2017, para. 2.

<sup>65</sup> D378/2, *International Co-Prosecutor's Rule 66 Final Submission Against Yim Tith*, 4 June 2018, paras 1077-1079.

<sup>66</sup> Case File No. 004/1-D308/3, *Closing Order (Reasons)*, 10 July 2017, para. 245. See also Case File No. 004/2-D360, [Redacted] *Closing Order (Indictment)*, 16 August 2018, para. 47; Case File No. 003-D267, [Redacted] *Closing Order*, 28 November 2018.

<sup>67</sup> Article 2 of the ECCC Agreement.



30. The SCC has interpreted the terms “*senior leaders of Democratic Kampuchea and those who were most responsible*” as referring to two categories, namely, senior leaders of the Khmer Rouge who are among the most responsible, as well as non-senior leaders of the Khmer Rouge who are also among the most responsible. Both categories of persons must be Khmer Rouge officials *and* among the most responsible in order for the ECCC to properly exercise personal jurisdiction; the criteria are thus cumulative, not disjunctive.<sup>68</sup>
31. The SCC also pronounced itself on the jurisdictional nature of Article 1 of the ECCC Law. In this regard, the SCC found that the question of whether an accused is a Khmer Rouge official “*involves a question of historical fact that is intelligible, precise, and leaves little or no room for discretion of the Trial Chamber,*” and is therefore a justiciable issue covered by the personal jurisdiction of the ECCC.<sup>69</sup>
32. Conversely, with respect to the terms ‘senior leaders’ and ‘most responsible’, the SCC found that these two categories were not jurisdictional criteria *stricto sensu*, but merely described the outlines of the prosecution and investigation policies to be employed by the OCP and, independently, by the OCIJ. It found them to be in principle unfettered by any strict rules of interpretation and in essence non-justiciable before the TC or SCC, short of a showing of abuse of discretion through bad faith or unsound professional judgment.<sup>70</sup> The CIJs already expressed their own joint view of the interpretation and nature of this criterion in the Case 004/1 *Closing Order (Reasons)*;<sup>71</sup> the same applies in this case.

*Criminal law principles – the effect of ‘in dubio pro reo’ and strict construction*

33. Among the factors to be considered for the exercise of discretion are the principles of *in dubio pro reo* and of strict construction of the criminal law. I refer to the *Closing Order (Reasons)* in Case 004/1 for the detailed argument in this respect.<sup>72</sup>

<sup>68</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 57.

<sup>69</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 61.

<sup>70</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, paras 79–81.

<sup>71</sup> Case File No. 004/1-D308/3, *Closing Order (Reasons)*, 10 July 2017, paras 9-10.

<sup>72</sup> Case File No. 004/1-D308/3, *Closing Order (Reasons)*, 10 July 2017, paras 26-36.



*Criteria for the exercise of discretion – decision-making in the DK structures*

34. I note that by adopting the definition laid out in its judgement in Case 001, the SCC also implicitly held that there is no merit in any historical-political contention that the negotiations around the establishment of the ECCC led to a joint and binding understanding that only a certain finite number of (named) individuals were to be under the Court's jurisdiction. The selection of persons to be investigated and indicted was and is purely a matter for the discretion of the OCP and OCIJ, and based entirely on the merits of each individual case. For the details regarding the exercise of this discretion, I refer to the Case 004/1 *Closing Order (Reasons)*.<sup>73</sup>

### **3.2 Crimes under the jurisdiction of the ECCC**

35. National and international crimes under the jurisdiction of the ECCC are listed in Articles 3 to 8 of the ECCC Law. This section will only summarise the law relevant to the crimes alleged and charged against **Yim Tith**.

#### *3.2.1 International crimes*

36. The sources of applicable international law during the relevant period are international conventions, customary international law, and general principles of law recognised by the community of nations.<sup>74</sup> While the jurisprudence of the *ad hoc* tribunals established since the 1990s is not binding in proceedings before the ECCC,<sup>75</sup> the Chambers of the ECCC have relied heavily on their holdings in relation to elements of crimes and modes of liability, the SCC noting, however, that Chambers are obliged to determine that such holdings were applicable during the temporal jurisdiction of the ECCC and were foreseeable and accessible to the charged persons at the time relevant to the charges.<sup>76</sup>

#### *Crimes against humanity*

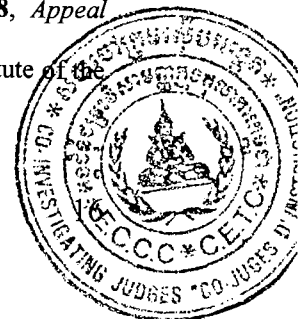
37. Article 5 of the ECCC Law gives the ECCC jurisdiction over the crimes against humanity, which it defines as “*any acts committed as part of a widespread or systematic attack directed against any civilian population, on national, political,*

<sup>73</sup> Case File No. 004/1-D308/3, *Closing Order (Reasons)*, 10 July 2017, paras 37-41.

<sup>74</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, paras 17-18; Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 92.

<sup>75</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 97, citing Article 38 of the Statute of the International Court of Justice.

<sup>76</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 97.



*ethnic, racial or religious grounds*” such as murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial, and religious grounds, and other inhumane acts.

38. These crimes against humanity, with the exception of rape, were part of customary international law between 1975 and 1979.<sup>77</sup> With regard to rape, the SCC held that it was not a distinct crime against humanity between 1975 and 1979, the period covered by the ECCC jurisdiction.<sup>78</sup> However, the ECCC has jurisdiction over rape as an act of torture, when all the other elements of torture are satisfied,<sup>79</sup> and as an act amounting to other inhumane acts.<sup>80</sup>

#### *Chapeau elements of crimes against humanity*

39. ***Existence of an attack*** – An attack is a course of conduct involving a series of acts of violence, which is not strictly limited to the use of armed force, and may include mistreatment of the civilian population. An attack on the civilian population is a different concept from that of an armed conflict.<sup>81</sup>
40. ***Widespread or systematic nature of the attack*** – The ‘widespread’ requirement refers to the large-scale nature of the attack and the number of victims, whereas the ‘systematic’ element refers to the organised nature of the acts of violence. Proof of either the widespread or systematic character of the attack is sufficient to satisfy this *chapeau element* of crimes against humanity.<sup>82</sup>

<sup>77</sup> **Murder**: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 411; **Extermination**: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 415; **Enslavement**: Case File No. 001-E188, *Judgement*, 26 July 2010, para. 342; **Deportation**: D427, *Closing Order*, 15 September 2010, para. 1314; **Imprisonment**: Case File No. 001-E188, *Judgement*, 26 July 2010, para. 347; **Torture**: Case File No. 001-E188, *Judgement*, 26 July 2010, para. 353; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 195-205; **Persecution**: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 426; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 225; **Other Inhumane Acts**: Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 576; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 435.

<sup>78</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 180-183.

<sup>79</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 207-208, 213.

<sup>80</sup> **Case File No. 002-D427/2/12**, *Pre-Trial Chamber Decision on Ieng Thirith's and Nuon Chea's Appeals Against the Closing Order*, order 11(2); **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1433; *see also Prosecutor v. Akayesu*, *Judgement*, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 688.

<sup>81</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 178; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 298-299.

<sup>82</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 179; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 300.





41. ***Directed against any civilian population*** – The attack must be primarily directed against a civilian population.<sup>83</sup> It is not necessary to show that the entire population of a geographic entity was subject to the attack. It is sufficient that enough individuals were targeted in the course of the attack or that they were targeted in such a way as to indicate that the attack was in fact directed against a civilian ‘population’ rather than against a limited and randomly selected number of individuals.<sup>84</sup> The population subject to the attack must be predominantly civilian in nature.<sup>85</sup> Traditionally, the presence, within the civilian population, of individuals who do not qualify as civilians does not necessarily deprive the population of its civilian character.<sup>86</sup> I consider that an attack by a state or organisation against its own armed forces amounts to an attack against a civilian population, except insofar as the attacked armed forces were allied with or providing militarily relevant support to an opposing side to an armed conflict.<sup>87</sup>
42. ***On national, political, ethnical, racial or religious grounds*** – Article 5 of the ECCC Law requires that the attack as defined above be carried out on national, political, ethnical, racial, or religious, but not necessarily on discriminatory grounds. This is a jurisdictional requirement that applies to the attack in general, and not to the underlying offences. It is, therefore, not necessary to prove discriminatory intent for all the underlying crimes against humanity. Discriminatory intent is only a requirement in relation to the underlying crime of persecution.<sup>88</sup>

<sup>83</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 182; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, paras 91-92.

<sup>84</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 182; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 303.

<sup>85</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 738, 740; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 183; *Prosecutor v. Milošević*, *Judgement*, ICTY Appeals Chamber (IT-98-29/1-A), 12 November 2009, paras 50-51.

<sup>86</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 740; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 183; *Prosecutor v. Galić*, *Judgement*, ICTY Appeals Chamber (IT-98-29-A), 30 November 2006, paras 136-138.

<sup>87</sup> **Case File No. 004/2-D347.1**, *Notification on the Interpretation of ‘Attack against the Civilian Population’ in the Context of Crimes against Humanity with Regard to a State’s or Regime’s Own Armed Forces*, 7 February 2017, para. 69. I take note of the Trial Chamber’s position on this matter as set out in the Case 002/02 Trial *Judgement* (**Case File No. 002-E465**, *Case 002/02 Judgement*, 16 November 2018, para. 306), however, as the judgement is still under appeal I am not inclined to revisit this matter at this time.

<sup>88</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 742, 744-745; **Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 188-189; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 238. See also *Prosecutor v. Akayesu*, *Judgement*, ICTR Appeals Chamber (ICTR-96-4-A), 1 June 2001, paras 465-466.



43. *Nexus between the acts of the charged person and the attack* – The acts of the perpetrator must, by their nature or consequences, be objectively part of the attack against the civilian population.<sup>89</sup>
44. *Requisite knowledge* – A perpetrator must have known of the attack on the civilian population and that his or her acts were part of it. He or she is not required to be aware of the details of the attack or share the purpose or goals of the broader attack.<sup>90</sup>
45. *No nexus with armed conflict* – In a public decision issued in Case 003, I found that the existence of a nexus between crimes against humanity and an armed conflict was no longer a constitutive element of crimes against humanity by 1975.<sup>91</sup> The PTC, TC, and SCC all reached the same finding.<sup>92</sup>

*Elements of the crimes against humanity listed in Article 5 of the ECCC Law*

46. The elements of **murder** are:
- a. *Actus Reus*: an act or omission resulting in and contributing substantially to the death of the victim.<sup>93</sup>
  - b. *Mens Rea*: the intent of the perpetrator to either kill or cause serious bodily harm with reasonable knowledge that such act or omission would likely lead to the death of the victim.<sup>94</sup>

<sup>89</sup> Case File No. 002-F36, *Appeal Judgement*, paras 753-754; Case File No. 002-E313, *Judgement*, 7 August 2014, para. 190; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 318; *Prosecutor v Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, para. 99.

<sup>90</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 191; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 319; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, paras 102-103.

<sup>91</sup> Case File No. 003-D87/2/1.7/1, *Decision on Meas Muth's Request for Clarification Concerning Crimes Against Humanity and the Nexus with Armed Conflict*, 5 April 2016.

<sup>92</sup> See Case File No. 002-E313, *Judgement*, 7 August 2014, para. 177 and Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 721. The PTC did find in 2011 that the nexus was an element of crimes against humanity between 1975 and 1979, see Case File No. 002-D427/3/15, *Decision on Appeal by Nuon Chea and Ieng Thirith against the Closing Order*, 15 February 2011, para. 144 and Case File No. 002-D427/1/30, *Decision on Ieng Sary's Appeal against the Closing Order*, 11 April 2011, para. 311. However, following an appeal against my Case 003 decision of 5 April 2016 (Case File No. 003-D87/2/1.7/1, *Decision on Meas Muth's request for clarification concerning crimes against humanity and the nexus with armed conflict*, 5 April 2016), the PTC has reconsidered its previous stance and found that no nexus was required, thereby aligning itself with the other ECCC chambers, see Case File No. 003-D87/2/1.7/1/1/7, *Decision on Meas Muth's Appeal against the International Co-Investigating Judge's Decision on Meas Muth's Request for Clarification concerning Crimes against Humanity and the Nexus with Armed Conflict*, 10 April 2017.

<sup>93</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 412; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 331.



47. The elements of **extermination** are:

- a. *Actus Reus*: an act, omission, or a combination of both, resulting in the death of persons on a massive scale.<sup>95</sup> There is no minimum number of victims required to establish extermination.<sup>96</sup> The assessment of the ‘massive scale’ requirement must be made on a case-by-case basis, having regard to such factors as the time and place of the killings, the selection of the victims and the manner in which they were targeted, and whether the killings were aimed at the collective group rather than the victims in their individual capacity.<sup>97</sup>
- b. *Mens Rea*: the intent to kill persons on a massive scale, or to inflict serious bodily injury or create living conditions calculated to bring about the destruction of a numerically significant part of the population.<sup>98</sup> The SCC took the position that the aim of extermination is to eliminate individuals that are part of a group and that it is thus incompatible with the notion of *dolus eventualis*. It then clarified, however, that knowledge that the *actus reus* would cause certain death is not required, but rather, what is necessary is “a showing that the killing of members of a group is what was desired by the perpetrator, irrespective of whether he was certain that this would actually happen. Mere knowledge that deaths may occur would be insufficient.”<sup>99</sup>

<sup>94</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, paras 391, 409, 410; Case File No. 002-E313, *Judgement*, 7 August 2014, para. 412; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 333.

<sup>95</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 520; Case File No. 002-E313, *Judgement*, 7 August 2014, para. 416; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 334.

<sup>96</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 416; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 336.

<sup>97</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, paras 525, 527; Case File No. 002-E313, *Judgement*, 7 August 2014, para. 416; *Prosecutor v. Lukić and Lukić*, *Judgement*, ICTY Appeals Chamber (IT-98-32/1-A), 4 December 2012, para. 538.

<sup>98</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, paras 520-522, citing *Prosecutor v. Krstić*, *Judgement*, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 503; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 338.

<sup>99</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 520.



48. The elements of **enslavement** are:

- a. *Actus Reus*: the exercise of any or all powers attaching to ownership over a person.<sup>100</sup> Forced or involuntary labour may constitute enslavement.<sup>101</sup> Proof of ill-treatment is not necessary to find the existence of the crime of enslavement.<sup>102</sup>
- b. *Mens Rea*: the perpetrator must have intentionally exercised a power attaching to ownership over a person.<sup>103</sup>

49. The elements of **deportation** are:

- a. *Actus Reus*: the forced displacement of persons by expulsion, or other coercive acts, from the area in which they are lawfully present, across a national border, without grounds permitted under international law.<sup>104</sup> Physical force is not required: whether displacement is forced is determined by the absence of genuine choice of individuals.<sup>105</sup> Transfers on humanitarian grounds are not justifiable where the crisis requiring the displacement was caused by the transferor's own unlawful activity.<sup>106</sup>
- b. *Mens rea*: the perpetrator intended to forcibly displace the victim(s) across a national border. Intent to displace (a) person(s) across the border permanently is not required.<sup>107</sup>

<sup>100</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 152-153; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 342.

<sup>101</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 344; *Prosecutor v. Krnojelac*, *Judgement*, ICTY Trial Chamber (IT-97-25-T), 15 March 2002, para. 359; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Trial Chamber (IT-96-23-T & IT-96-23/1-T), 22 February 2001, paras 542-543.

<sup>102</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 344; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, para. 123, citing *US v. Oswald Pohl and Others*, *Judgement*, 3 November 1947, reprinted in *Trials of War Criminals before the Nuernberg Military Tribunals under Control Council No. 10*, Vol. 5, (1997), p. 958 at p. 970.

<sup>103</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 152; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 345; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, para. 122.

<sup>104</sup> *Prosecutor v. Stakić*, *Judgement*, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, paras 278-279, 281, 300.

<sup>105</sup> *Prosecutor v. Stakić*, *Judgement*, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, paras 279-281.

<sup>106</sup> *Prosecutor v. Stakić*, *Judgement*, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, para. 287.

<sup>107</sup> *Prosecutor v. Stakić*, *Judgement*, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, paras 278, 281, 300.



50. The elements of **imprisonment** are:

- a. *Actus Reus*: the arbitrary deprivation of liberty without due process of law, or based on national legal provisions that violate international law.<sup>108</sup> Not every minor infringement of the right to liberty amounts to imprisonment, and such deprivation must be of similar gravity and seriousness as the other crimes against humanity set forth in Article 5 of the ECCC Law.<sup>109</sup>
- b. *Mens Rea*: the perpetrator intended to arbitrarily deprive the individual of his or her liberty, or acted with the reasonable knowledge that his or her actions were likely to cause the arbitrary deprivation of liberty.<sup>110</sup>

51. The elements of **torture** are:

- a. *Actus Reus*: any act causing severe pain or suffering, considering both the objective severity of harm inflicted and subjective characteristics of the victim, whether physical or mental, committed or instigated by a public official.<sup>111</sup>
- b. *Mens Rea*: the perpetrator must have intended to inflict severe pain or suffering on the victim.<sup>112</sup>
- c. The act must have been for such purposes as obtaining information or a confession, punishment, or intimidation.<sup>113</sup>

52. The SCC has held that **rape** may amount to torture, when all the other elements of the crime of torture are also established.<sup>114</sup> The TC in Case 001, endorsed by the SCC,<sup>115</sup> characterised rape as:

- a. *Actus Reus*: the sexual penetration, however slight, of the vagina or anus of the victim by a penis or any other object; or the mouth of the victim by a penis, where

<sup>108</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, paras 347-348.

<sup>109</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 349, citing *Prosecutor v. Ntagerura et al.*, *Judgement*, ICTR Trial Chamber (ICTR-99-46-T), 25 February 2004, para. 702. *Contra Prosecutor v. Krnojelac*, *Judgement*, ICTY Trial Chamber (IT-97-25-T), 15 March 2002, para. 112.

<sup>110</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 350; *Prosecutor v. Krnojelac*, *Judgement*, ICTY Trial Chamber (IT-97-25-T), 15 March 2002, para. 115.

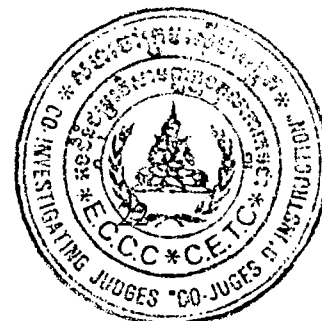
<sup>111</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 355; Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, paras 195-196.

<sup>112</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, paras 195-196.

<sup>113</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, paras 195-196.

<sup>114</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, paras 207-208, 213.

<sup>115</sup> Case File No. 001-F28, *Appeal Judgement*, 3 February 2012, para. 208.





such sexual penetration occurs without the consent of the victim. Consent, for this purpose, must be given voluntarily, as a result of the victim's free will, assessed in the context of the surrounding circumstances.<sup>116</sup>

- b. *Mens Rea*: the perpetrator must have acted with the intent to effect this sexual penetration, in the knowledge of the lack of consent of the victim.<sup>117</sup>

53. The elements of the crime of **persecution** are:

- a. *Actus Reus*: an act or omission which discriminates in fact and denies or infringes upon a fundamental right laid down in international customary law or treaty.<sup>118</sup> The discriminatory element in the *actus reus* is established when the victim is targeted due to membership of a group that is subjectively defined and consequently persecuted by the perpetrator on political, racial, or religious grounds.<sup>119</sup> The victim must actually belong to a sufficiently discernible political, racial, or religious group, such that persecutory consequences must occur for the group.<sup>120</sup> In this regard, the SCC has held that there is no discrimination when there is a mistake of fact by the perpetrator as to whether a victim actually belongs to the defined targeted group, or when the perpetrator targets victims irrespective of whether they fall under the discriminatory criterion or, in other words, when the targeting is 'indiscriminate'.<sup>121</sup> Persecution on political grounds takes into account the perpetrator's perspective when defining the group that is the object of persecution and thus does not require that the members of the targeted group hold common, or even any, political views.<sup>122</sup>
- b. Persecution may be committed through one or more of the other underlying crimes against humanity listed in Article 5 of the ECCC Law, as well as through

<sup>116</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 362; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, para. 127.

<sup>117</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 365.

<sup>118</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 667-668; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 257, 261-262, 267, 271-278; **Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 427-428.

<sup>119</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 667, 678-679, 687, 695; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 272-273, 274, 276-277; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 428.

<sup>120</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 668; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 274-277; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 428.

<sup>121</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 277, *see also* paras 272-276.

<sup>122</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 668-669, 677-680; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 272-273.



other acts which are characterised by the same level of gravity or seriousness, including acts which are not necessarily international crimes in and of themselves.<sup>123</sup>

- c. *Mens Rea*: the deliberate perpetration of an act or omission with the intent to discriminate on political, racial, or religious grounds.<sup>124</sup> Even when the underlying acts constitute crimes under international law, the *mens rea* required for these crimes need not be established: it suffices to prove that the underlying act was carried out with the required discriminatory intent.<sup>125</sup>

54. The elements of **other inhumane acts** are:

- a. *Actus Reus*: an act or omission of the perpetrator causing serious bodily or mental suffering or injury or constituting a serious attack on human dignity.<sup>126</sup> The acts or omissions of the perpetrator must be of a nature and gravity similar to the other crimes against humanity enumerated under Article 5 of the ECCC Law, assessed on a case-by-case basis, with due regard to the individual circumstances of the case.<sup>127</sup> The effect of the suffering is not required to be long-term, although this may be a relevant factor for the determination of the seriousness of the act.<sup>128</sup>
- b. *Mens Rea*: the perpetrator must have deliberately performed the act or omission with the intent to inflict serious bodily or mental harm or commit a serious attack upon the human dignity of the victim at the time of the act or omission, or knew that the act or omission was likely to cause serious physical or mental suffering or a serious attack upon human dignity.<sup>129</sup>

<sup>123</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 261; *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 296; *Prosecutor v. Blaškić*, Judgement, ICTY Appeals Chamber (IT-95-14-A), 29 July 2004, para. 135.

<sup>124</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 427; **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, paras 229, 236, 240.

<sup>125</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Appeals Chamber (IT-05-88-A), 30 January 2015, para. 738.

<sup>126</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 580.

<sup>127</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 567, 586; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 438.

<sup>128</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 439; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 369.

<sup>129</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 580; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 437; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 371.



55. Other inhumane acts existed in customary international law as a residual category of crimes against humanity by 1975.<sup>130</sup> The conduct underlying other inhumane acts need not have been criminalised under international law at the time of commission.<sup>131</sup> It merely suffices that the conduct in question, taking into account the circumstances of the case at hand, satisfies the legal elements of other inhumane acts.<sup>132</sup> Accordingly, it is not necessary to stipulate any elements of the conduct that is alleged to amount to other inhumane acts.
56. It may, however, be necessary to establish the parameters of the underlying conduct in order to determine whether it was foreseeable and accessible to the charged person that they could be investigated and prosecuted for such conduct.<sup>133</sup> The *nullum crimen sine lege* principle is respected if the underlying conduct violates a basic right of the victims and is of a similar nature and gravity to the other crimes against humanity, which requires a case-by-case analysis of the conduct in question.<sup>134</sup>
57. To comply with the requirements of legal certainty, the comparison of the nature and gravity of the conduct against those of the other enumerated crimes against humanity is undertaken in accordance with the doctrine of *ejusdem generis*.<sup>135</sup> As for the nature of conduct that may constitute an inhumane act, reference can be made to serious breaches of international law regulating armed conflict from 1975 to 1979, including the grave breaches provisions of the Geneva Conventions 1949, or serious violations of the fundamental human rights norms protected under international law at the time.<sup>136</sup>

<sup>130</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 576.

<sup>131</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 584.

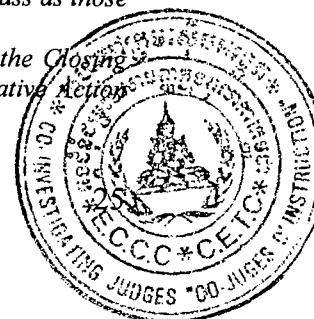
<sup>132</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 589.

<sup>133</sup> **D301/5**, *Consolidated Decision on the Requests for Investigative Action Concerning the Crime of Forced Pregnancy and Forced Impregnation*, 13 June 2016, paras 51, 63.

<sup>134</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 586; see also **D301/5**, *Consolidated Decision on the Requests for Investigative Action Concerning the Crime of Forced Pregnancy and Forced Impregnation*, 13 June 2016, para. 64.

<sup>135</sup> *Ejusdem generis* is defined as “A canon of construction holding that when a general word or phrase follows a list of specifics, the general word or phrase will be interpreted to include only items of the same class as those listed.” (Black’s Law Dictionary, 9<sup>th</sup> Ed.).

<sup>136</sup> **Case File No. 002-D427/3/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith against the Closing Order*, 15 February 2011, para. 164; **D301/5**, *Consolidated Decision on the Requests for Investigative Action Concerning the Crime of Forced Pregnancy and Forced Impregnation*, 13 June 2016, para. 63.



58. Instances of enforced disappearance,<sup>137</sup> rape,<sup>138</sup> physical abuse of prisoners,<sup>139</sup> inhumane conditions of detention,<sup>140</sup> forced transfer,<sup>141</sup> and forced marriage<sup>142</sup> have previously been found to be of the same nature and gravity as other enumerated crimes against humanity.

*Genocide*

59. Article 4 of the ECCC Law, giving the ECCC jurisdiction over the crime of genocide, is based on Articles II and III of the Genocide Convention,<sup>143</sup> which were part of customary international law between 1975 and 1979.<sup>144</sup> In accordance with the *nullem crimen sine lege* principle and established jurisprudence, the definition of genocide

<sup>137</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 444-448; *Prosecutor v. Kupreškić et al.*, *Judgement*, ICTY Trial Chamber (IT-95-16-T), 14 January 2000, para. 566; *Prosecutor v. Brima et al.*, *Judgement*, SCSL Appeals Chamber (SCSL-04-16-A), 22 February 2008, para. 184.

<sup>138</sup> **Case File No. 002-D427/3/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith against the Closing Order*, 15 February 2011, para. 154; **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1433; *Prosecutor v. Akayesu*, *Judgement*, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 688.

<sup>139</sup> *Prosecutor v. Kvočka*, *Judgement*, ICTY Trial Chamber (IT-98-30/1-T), 2 November 2001, paras 208, 209.

<sup>140</sup> *Prosecutor v. Krnojelac*, *Judgement*, ICTY Trial Chamber (IT-97-25-T), 15 March 2002, para. 133.

<sup>141</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, paras 654-660.

<sup>142</sup> **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1314.

<sup>143</sup> Article 4 of the ECCC Law does not punish direct and public incitement to commit genocide or complicity in genocide, being paragraphs (c) and (e) of Article III of the Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”).

The definition of genocide contained in the English version of Article 4 of the ECCC Law could be interpreted as creating a non-exhaustive list of constitutive acts of genocide (“such as”) and removing the reference to destroy (in whole or in part) a protected group “as such”, both being in contradiction of the Genocide Convention and established jurisprudence. The French version of Article 4, by contrast, reflects the provisions of the Genocide Convention: “On entend par crime de génocide, qui est imprescriptible l'un quelconque des actes ci-après, commis dans l'intention de détruire, en tout ou en partie, un groupe national, ethnique, racial ou religieux, comme tel”. The Khmer version also more closely matches the text of the Genocide Convention in that it limits the constitutive acts of genocide to those listed in Article 4: “អំពើប្រល័យពូជសាសន៍ ដែលគ្មាន អាជ្ញាយុកាលគឺជាអំពើមួយក្នុងចំណោមអំពើដូចខាងក្រោមហើយដែលបានប្រព្រឹត្តក្នុងគោលបំណងបំផ្លិច បំផ្លាញទាំងស្រុង ឬមួយផ្នែកនៃក្រុមជាតិ ជាតិពន្ធុ ពូជសាសន៍ ឬសាសនាណាមួយ ដូចជា:”, translated as “The acts of genocide, which have no statute of limitations, mean any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group”. ECCC Agreement, Article 9 and ECCC Law, Article 4 also both provide that the ECCC’s jurisdiction with respect to genocide is restricted to the crime “as defined” in the Genocide Convention. Therefore the definition applied in this Closing Order adheres to the definition in the French and Khmer versions of Article 4, the Genocide Convention, and established jurisprudence, see **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1311.

<sup>144</sup> *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion, ICJ Rep 15 (1951), p. 23; *Prosecutor v. Karadžić*, *Judgement*, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 539; *Prosecutor v. Akayesu*, *Judgement*, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 495; **Case File No. 002-D427/2/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith Against the Closing Order*, 15 February 2011, para. 108. Cambodia acceded to the Genocide Convention on 14 October 1950 after acquiring sovereign autonomy pursuant to the Constitution of the Fourth French Republic. Cambodia’s accession was accepted by the United Nations and no legal challenge with respect to the accession has been recorded. Following receipt of the requisite number of accessions and ratifications, the Genocide Convention entered into force on 12 January 1951, see **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1310.



applied in this Closing Order is the commission of any of the underlying acts set out in Article 4 of the ECCC Law, committed with the specific intention to destroy, in whole or in part, a national, ethnical, racial or religious group, specifically targeted as such.<sup>145</sup>

### *Chapeau elements of genocide*

60. There is no requirement that the alleged conduct took place in the context of a manifest pattern of similar conduct.<sup>146</sup> Similarly, the existence of State (or other) policy or a plan to commit genocide is not an element of the crime of genocide<sup>147</sup> and there is no requirement that the alleged conduct formed part of a widespread or systematic attack on a civilian population.<sup>148</sup> Such factors may however support a finding of specific intent.<sup>149</sup>

### *The protected groups*

61. The ECCC has jurisdiction in respect of genocide directed against national, ethnical, racial and religious groups.<sup>150</sup> Only the four explicitly listed groups enjoy protection.<sup>151</sup>

<sup>145</sup> **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1312; *Prosecutor v. Rutaganda*, Judgement, ICTR Trial Chamber (ICTR-96-3-T), 6 December 1999, para. 49; *Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, paras 498-499; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 542.

<sup>146</sup> *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, paras 223-224.

<sup>147</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Appeals Chamber (IT-05-88-A), 30 January 2015, paras 430, 436, 440; *Prosecutor v. Rutaganda*, Judgement, ICTR Appeals Chamber (ICTR-96-3-A), 26 May 2003, para. 525.

<sup>148</sup> *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, para. 223; *Prosecutor v. Jelisić*, Judgement, ICTY Appeals Chamber (IT-95-10-A), 5 July 2001, para. 48.

<sup>149</sup> *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, para. 223; *Prosecutor v. Jelisić*, Judgement, ICTY Appeals Chamber (IT-95-10-A), 5 July 2001, para. 48; *Prosecutor v. Rutaganda*, Judgement, ICTR Appeals Chamber (ICTR-96-3-A), 26 May 2003, para. 525.

<sup>150</sup> ECCC Law, Article 4; Genocide Convention, Articles II, III.

<sup>151</sup> *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 554; *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 809; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 541; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, para. 98; *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, paras 60-61; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 311. *Although see Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 516 where an ICTR trial chamber stated that the Genocide Convention was intended to protect “*any stable and permanent group*” (emphasis added) in response to the question of whether genocide is limited to acts against the four groups expressly mentioned. More expansive findings in this regard have otherwise been limited to stating that the Genocide Convention’s field of application is restricted to stable and permanent groups, thereby excluding certain “*mobile groups*” but stopping short of concluding that *any* stable and permanent group is therefore protected. See *Prosecutor v. Jelisić*, Judgement, ICTY Trial Chamber (IT-95-10-T), 14 December 1999, para. 69; *Prosecutor v. Rutaganda*, Judgement, ICTR Trial Chamber (ICTR-96-3-T), 6 December 1999, para. 57; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 162.



62. There are no generally accepted definitions of the four protected groups.<sup>152</sup> The jurisprudence of the *ad hoc* tribunals evinces the development of a hybrid, case-by-case test to determine whether a victim (or targeted group) falls within one of the protected groups.<sup>153</sup> Firstly, there should be reference to the objective particulars of the relevant political, social, historical and cultural context.<sup>154</sup> However, as a targeted group may not have precisely defined boundaries and may have been characterised by the perpetrator(s) in a different manner to the conceptions of the group shared generally, or by parts of society,<sup>155</sup> the subjective perceptions of the victim and the perpetrator(s) with respect to the victim's membership of the targeted group should also be considered.<sup>156</sup>
63. The targeted group must have a particular positive identity and therefore cannot be defined negatively.<sup>157</sup> If more than one group is targeted for destruction, the elements of genocide must be satisfied in relation to each group.<sup>158</sup>

*Elements of the underlying acts of genocide listed in Article 4 of the ECCC Law*

64. Article 4 of the ECCC Law sets out the underlying acts of genocide in respect of which the *actus reus* and *mens rea* must be established (in addition to specific intent for genocide,<sup>159</sup> as set out below). The following underlying acts are relevant in Case 004:
- (1) killing members of the group; (2) causing serious bodily or mental harm to

<sup>152</sup> *Prosecutor v. Rutaganda*, Judgement, ICTR Trial Chamber (ICTR-96-3-T), 6 December 1999, para. 56; *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 65; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 161; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, paras 555-556; *see also Prosecutor v. Jelisić*, Judgement, ICTY Trial Chamber (IT-95-10-T), 14 December 1999, para. 70, although ICTR trial chambers have, on occasion, attempted to define the four protected groups, *see Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, paras 512-515; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, para. 98.

<sup>153</sup> *Although see Prosecutor v. Jelisić*, Judgement, ICTY Trial Chamber (IT-95-10-T), 14 December 1999, para. 70 in which an apparently entirely subjective test was adopted.

<sup>154</sup> *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 317; *Prosecutor v. Rutaganda*, Judgement, ICTR Trial Chamber (ICTR-96-3-T), 6 December 1999, paras 56-58; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 557.

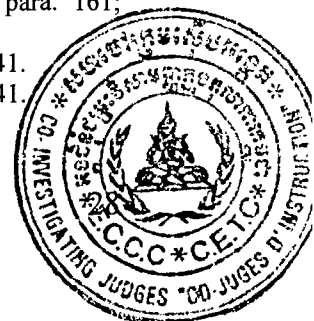
<sup>155</sup> *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 65; *Prosecutor v. Jelisić*, Judgement, ICTY Trial Chamber (IT-95-10-T), 14 December 1999, para. 70.

<sup>156</sup> *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 317; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 161; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 557.

<sup>157</sup> *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 541.

<sup>158</sup> *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 541.

<sup>159</sup> *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, para. 20.



members of the group; and (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

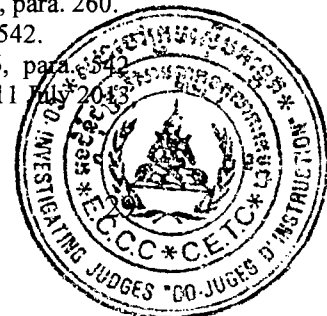
65. The elements of **killing members of the group** are equivalent to those of murder as a crime against humanity.<sup>160</sup> The death of a victim can be established by circumstantial evidence provided the only reasonable inference that can be drawn from such evidence is that the victim is dead<sup>161</sup> and, as such, proof (albeit by inference) of a result is required.<sup>162</sup> A numeric assessment of the numbers killed is not required to establish the *actus reus*.<sup>163</sup>

<sup>160</sup> See above, para. 46. *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, paras 810, 787-788 where the ICTY Trial Chamber, in finding that the elements of killing members of a group were equivalent to those of murder, held that the elements of murder as a violation of the laws or customs of war (under Article 3 of the ICTY Statute) and as a crime against humanity (under Article 5 of the ICTY Statute) are the same. See also *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 542. “Killing” has been interpreted as intentional killing (see *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 319; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, para. 103), homicide committed with the intent to cause death (see *Prosecutor v. Seromba*, Judgement, ICTR Trial Chamber (ICTR-2001-66-I), 13 December 2006, para. 317; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 155), and murder (see *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, paras 810, 787-788; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 542). In *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, at note 2918, the Trial Chamber refers approvingly to *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 319, *Prosecutor v. Seromba*, Judgement, ICTR Trial Chamber (ICTR-2001-66-I), 13 December 2006, para. 317, and *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 155, indicating equivalence in elements despite differing nomenclature. With respect to *mens rea* the English version of the Genocide Convention prohibits “killing”, which is neutral with respect to the intentionality of the act, whereas the French version prohibits “meurtre”, which amounts to intentional homicide. The ICTR chambers adopted the interpretation most favourable to the accused, being “meurtre”, thereby requiring an intention to kill or cause death, but no premeditation (see *Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, paras 500-501; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 319; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Appeals Chamber (ICTR-95-1-A), 1 June 2001, para. 151). The ICTY chambers have assumed an equivalent position by equating “killing” with “murder” and in doing so approved the ICTR’s approach (see *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 542; *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 810; *Prosecutor v. Jelisić*, Judgement, ICTY Trial Chamber (IT-95-10-T), 14 December 1999, para. 63; *Prosecutor v. Blagojević and Jokić*, Judgement, ICTY Trial Chamber (IT-02-60-T), 17 January 2005, para. 642). In any case, it has been observed that, in the context of genocidal intent, there is “virtually no difference” between killing and *meurtre* (see *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Appeals Chamber (ICTR-95-1-A), 1 June 2001, para. 151).

<sup>161</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, paras 789, 810; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, paras 446, 542; *Prosecutor v. Kvočka et al.*, Judgement, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, para. 260.

<sup>162</sup> *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 542.

<sup>163</sup> *Prosecutor v. Karadžić*, Rule 98 bis Judgement, ICTY Appeals Chamber (IT-95-5/18-AR98bis.1), 11 July 2005, para. 23.



66. The elements of causing serious bodily or mental harm to members of the protected group are:

a. *Actus reus*:

- i. An act or omission causing serious bodily or mental harm to one or more members of a protected group, assessed on a case-by-case basis with regard to the particular circumstances.<sup>164</sup> Proof of a result is required.<sup>165</sup> The serious harm need not be permanent or irremediable but must go beyond minor or temporary mental or physical faculty impairment and result in a grave and long-term disadvantage to a person's ability to lead a normal and constructive life.<sup>166</sup>
- ii. There is no requirement that the harm inflicted be of a sufficiently serious nature to threaten the destruction in whole or in part of the protected group, however the degree of threat to a group's destruction may be considered a measure of the seriousness of harm inflicted.<sup>167</sup>

<sup>164</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 811; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, paras 543, 545; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, paras 108, 110; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 323.

<sup>165</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 811; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 543.

<sup>166</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 811; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 543; *see also* *Prosecutor v. Seromba*, Judgement, ICTR Appeals Chamber (ICTR-2001-66-A), 12 March 2008, para. 46; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, paras 320-322.

<sup>167</sup> *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 544. It was stated in *Prosecutor v. Seromba*, Judgement, ICTR Appeals Chamber (ICTR-2001-66-A), 12 March 2008, para. 46 and in *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 811 that such a requirement existed, however in neither case did the chambers actually examine whether the evidence demonstrated that the harm was sufficiently serious to threaten the destruction in whole or in part of the protected group and the majority of trial judgements rendered before and since the initial statement in the *Seromba* Appeal Judgement have consistently omitted the requirement (*see e.g., Prosecutor v. Blagojević and Jokić*, Judgement, ICTY Trial Chamber (IT-02-60-T), 17 January 2005, para. 645; *Prosecutor v. Brđanin*, Judgement, ICTY Trial Chamber (IT-99-36-T), 1 September 2004, para. 690; *Prosecutor v. Stakić*, Judgement, ICTY Trial Chamber (IT-97-24-T), 31 July 2003, para. 516; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 513; *Prosecutor v. Ntawukulilyayo*, Judgement, ICTR Trial Chamber (ICTR-05-82-T), 3 August 2010, para. 452; *Prosecutor v. Kalimanzira*, Judgement, ICTR Trial Chamber (ICTR-05-88-T), 22 June 2009, para. 159; *Prosecutor v. Renzaho*, Judgement, ICTR Trial Chamber (ICTR-97-31-T), 14 July 2009, para. 762; *Prosecutor v. Bagosora et al.*, Judgement, ICTR Trial Chamber (ICTR-98-41-T), 18 December 2008, para. 2117; *Prosecutor v. Gacumbtsi*, Judgement, ICTR Trial Chamber (ICTR-2001-64-T), 17 June 2004, para. 291; *Prosecutor v. Ntagerura et al.*, Judgement, ICTR Trial Chamber (ICTR-99-46-T), 25 February 2004, para. 664; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, paras. 320-323; *Prosecutor v. Ntakirutimana*, Judgement, ICTR Trial Chamber (ICTR-96-10 & ICTR-96-17-T), 21 February 2003, para. 784; *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 59; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 156; *Prosecutor v. Rutaganda*, Judgement, ICTR Trial Chamber (ICTR-96-3-T), 6 December 1999, para. 51; *Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, paras. 502-504). *See also Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, ICJ, 26 February 2007, para. 319, in which the ICJ did not apply any additional requirement to its factual findings. The ICTR appeals chamber has similarly recalled the wording of the relevant provisions of the ICTY Statute without





- iii. Inhuman or degrading treatment, mental or physical torture, rape, sexual abuse, deportation, interrogations combined with beatings and/or death threats, non-fatal physical violence that damages health or causes disfigurement or serious injury to members of the protected group and persecution are among the acts that may cause serious bodily or mental harm.<sup>168</sup> Trauma and wounds suffered by survivors of mass executions constitute serious mental (as well as physical) harm.<sup>169</sup> Forcible transfer does not itself constitute a genocidal act, however it can be an underlying act causing serious bodily or mental harm, especially if the circumstances of the operation lead to the death of the whole or part of the displaced population.<sup>170</sup>
- iv. The precise relationship between the different acts of genocide under Article 4 ECCC Law which mirror Article II(a) and (b) of the Genocide Convention has not yet been clarified with sufficient precision in the case law, as far as can be seen,<sup>171</sup> possibly because it was considered obvious. In a strictly factual sense, modelled on a basic homicide scenario, virtually every act of killing involves the causing of serious bodily harm, albeit in some cases for a mere split second, as a necessary intermediate stage to causing death. If death ensues and the intentional causation by the defendant can be established, no domestic court would enter an additional conviction based on the same facts for causing serious harm.<sup>172</sup> In domestic systems, these cases are routinely covered by the criminal law principles of concurrence of offences (*concursum delictorum*).<sup>173</sup> In the present case one might be tempted to

including such a requirement (see *Prosecutor v. Karadžić*, Rule 98 bis Judgement, ICTY Appeals Chamber (IT-95-5/18-AR98bis.1), 11 July 2013, para. 33).

<sup>168</sup> *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 513; *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 812; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 545; *Prosecutor v. Seromba*, Judgement, ICTR Appeals Chamber (ICTR-2001-66-A), 12 March 2008, para. 46; *Prosecutor v. Musema*, Judgement, ICTR Trial Chamber (ICTR-96-13-A), 27 January 2000, para. 156.

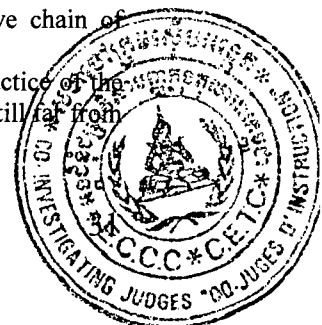
<sup>169</sup> *Prosecutor v. Blagojević and Jokić*, Judgement, ICTY Trial Chamber (IT-02-60-T), 17 January 2005, paras 647, 649, at para. 647, “the fear of being captured, and, at the moment of the separation, the sense of utter helplessness and extreme fear for their family and friends’ safety as well as for their own safety, is a traumatic experience from which one will not quickly – if ever – recover. Furthermore [...] the men suffered mental harm having their identification documents taken away from them, seeing that they would not be exchanged as previously told, and when they understood what their ultimate fate was”.

<sup>170</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 813; *Prosecutor v. Blagojević and Jokić*, Judgement, ICTY Trial Chamber (IT-02-60-T), 17 January 2005, paras 650, 654; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 545.

<sup>171</sup> There has been some case law on the relationship between genocide and complicity to commit genocide, with the prevailing view appearing to be that the latter should not be used as a cumulative conviction; see Stuckenberg, *Cumulative Charges and Cumulative Convictions*, in Stahn (ed.), *The Law and Practice of the International Criminal Court*, OUP, 2015, 850 f.

<sup>172</sup> Indeed, such an approach would lead to a regression *ad minimum*: Ultimately, the regressive chain of additional convictions would end with simple assault and battery.

<sup>173</sup> Stuckenberg, *Cumulative Charges and Cumulative Convictions*, in Stahn (ed.), *The Law and Practice of the International Criminal Court*, OUP, 2015, 840 ff with references. – Judicial practice on the issue is still far from being settled in a doctrinal sense.



consider the concept of a lesser-included-offence relationship between (a) and (b). This conclusion is, however, doubtful: the *ad hoc* tribunals, as explained above, have so far interpreted the serious bodily harm element in alternative (b) as “*a grave and long-term disadvantage to a person’s ability to lead a normal and constructive life*” and previous judgments have pronounced on the matter only in the context of harm *suffered by survivors*.<sup>174</sup> This does thus not sit well with cases where the *intended and achieved* outcome is the expeditious killing of the members of the protected group, notwithstanding that there may, for example, have been a period of detention that included physical and mental abuse before the act of killing occurred. Alternative (b), in other words, in its implied *actus reus* requires that the individual victims *survive*, and as a matter of proper doctrinal methodology it cannot be cumulatively applied when the victims are killed. It is not a lesser included offence to alternative (a). Nor is it necessary to stretch the interpretation of alternative (b) to scenarios of intentional killing in order to avoid undesirable and unintended impunity gaps: if any of the victims scheduled for killing survive, the *mens rea* for killing (see paragraph 46 above) is in any event sufficient to cover a charge under alternative (b).<sup>175</sup>

v. Attempted genocide was not charged in this case, so there is no need to discuss the relationship of that mode of genocide to scenarios of the kind described above.

b. *Mens rea*: the act or omission must be intentional and intended to cause serious physical or mental harm.<sup>176</sup>

67. The elements of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part are:

a. *Actus reus*: methods of destruction that do not immediately kill members of a protected group, but which ultimately seek their physical destruction. As such, no proof of a result is required.<sup>177</sup> Examples include rape,<sup>178</sup> the denial of

<sup>174</sup> See Tams/Berster/Schiffbauer, *Convention on the Prevention and Punishment of the Crime of Genocide – A Commentary*, CH Beck/Hart/Nomos, 2014, Article II, mn 69.

<sup>175</sup> See on the underlying context of the question as to which extent the Genocide Convention’s drafters were able or intended to address the doctrinal ramifications of the interplay between the different forms of genocide Kreß, *The ICC’s First Encounter with the Crime of Genocide*, in Stahn (ibid., fn. 224), 700.

<sup>176</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 811; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 543; *Prosecutor v. Semanza*, Judgement, ICTY Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 323.

<sup>177</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 814; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 546; *Prosecutor v. Akayesu*, Judgement, ICTR Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 505; *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, para. 116.

<sup>178</sup> *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, para. 116.





attack only the cultural or sociological characteristics of a protected group in order to deny that group its own identity (for example the destruction of religious buildings or houses belonging to members of the group) do not fall within the definition of genocide. Such acts may however be evidence from which the intention to physically or biologically destroy can be inferred.<sup>186</sup>

70. **'in whole or in part'** – This phrase refers to the intention to destroy *the entirety or part* of a protected group: the destruction of part of a group need not be accompanied by the intention to destroy the whole group.<sup>187</sup> In the absence of guidance in the Genocide Convention or their statutes the *ad hoc* tribunals have formulated the intention to destroy a group in part as the intended destruction of at least a “*substantial*” part of the group, significant enough to have an impact on the group as a whole, bearing in mind the context in which the alleged conduct occurs.<sup>188</sup>
71. The targeted group can include military personnel, provided the military personnel were targeted because of their membership in a protected group.<sup>189</sup>
72. **'as such'** – The underlying acts must be committed with the intention of destroying the targeted group as a separate and distinct entity to the individual victims: the ultimate

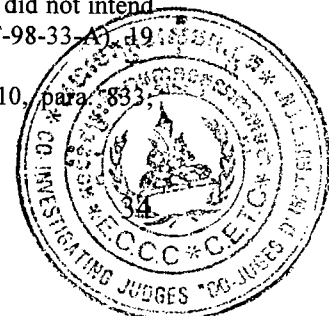
*Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 822; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 553.

<sup>186</sup> *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, para. 25; *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 822; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 553.

<sup>187</sup> *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, paras 583-584.

<sup>188</sup> *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 64; *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 590; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, ICJ, 26 February 2007, para. 198; *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, paras 8-9; *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 831; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 555; *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 316. Although in *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999, at para. 97, the language used is “*considerable number of individuals*”, in *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001 (at para. 64), citing *Prosecutor v. Kayishema and Ruzindana*, Judgement, ICTR Trial Chamber (ICTR-95-1-T), 21 May 1999 (and in turn cited in the *Prosecutor v. Semanza*, Judgement, ICTR Trial Chamber (ICTR-97-20-T), 15 May 2003, para. 316), the Trial Chamber uses “*substantial part*” and therefore it is clear that the *Kayishema* Trial Chamber did not intend to adopt a different standard, see *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, note 15, para. 9.

<sup>189</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 833; *Prosecutor v. Krstić*, Judgement, ICTY Appeals Chamber (IT-98-33-A), 19 April 2004, para. 226.



victim of the crime is the group.<sup>190</sup> Individual victims must be *targeted because* they are a member of the group (but not necessarily *solely* because of such membership) and therefore knowledge of such membership alone is insufficient.<sup>191</sup>

### *Grave breaches of the Geneva Conventions*

73. Under Article 6 of the ECCC Law, the ECCC has subject-matter jurisdiction over grave breaches of the four Geneva Conventions of 1949 (“Geneva Conventions”).
74. The Geneva Conventions, *inter alia*, require the criminalisation of the offences listed under Article 6.<sup>192</sup> Cambodia, having ratified the Geneva Conventions on 8 December 1958, was a party to them during the ECCC’s temporal jurisdiction. Further, grave breaches of the Geneva Conventions formed part of customary international law between 1975 and 1979.<sup>193</sup> The prohibition and subsequent prosecution of the crimes set out in Article 6 were accordingly foreseeable and accessible to **Yim Tith** between 1975 and 1979.<sup>194</sup>
75. Both the TC and the PTC have previously ruled that no statute of limitations applies to grave breaches under Article 6,<sup>195</sup> and there is accordingly no doubt that the grave breaches of the Geneva Conventions under Article 6 are not statute-barred.

<sup>190</sup> *Prosecutor v. Popović et al.*, Judgement, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 821; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 551; *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 61.

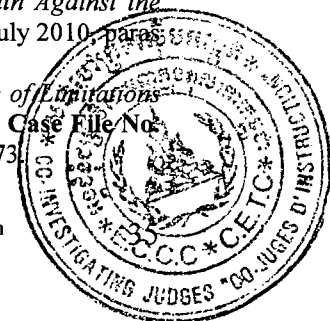
<sup>191</sup> *Prosecutor v. Krstić*, Judgement, ICTY Trial Chamber (IT-98-33-T), 2 August 2001, para. 561; *Prosecutor v. Karadžić*, Judgement, ICTY Trial Chamber (IT-95-5/18-T), 24 March 2016, para. 551; *Prosecutor v. Bagilishema*, Judgement, ICTR Trial Chamber (ICTR-95-1A-T), 7 June 2001, para. 61; *Prosecutor v. Niyitegeka*, Judgement, ICTR Appeals Chamber (ICTR-96-14-A), 9 July 2004, para. 53.

<sup>192</sup> All four Geneva Conventions prohibit wilful killing, torture or inhumane treatment, wilfully causing great suffering or serious injury to body or health, and destruction and serious damage to property, not justified by military necessity and carried out unlawfully and wantonly (Geneva Convention I, Articles 49-50; Geneva Convention II, Articles 50-51; Geneva Convention III, Articles 129-130; Geneva Convention IV, Articles 146-147). Geneva Convention III (Articles 129-130) prohibits wilfully depriving prisoners of war of the rights of fair and regular trial. Geneva Convention IV (Articles 146-147) prohibits wilfully depriving civilians of the rights of fair and regular trial, unlawful confinement of a civilian, and taking of civilian hostages.

<sup>193</sup> **Case File No. 001-E188**, Judgement, 26 July 2010, para. 405; **Case File No. 002-D427/1/30**, *Decision on Ieng Sary’s Appeal against the Closing Order*, 11 April 2011, paras 256-258; **Case File No. 002-D427/2/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith Against the Closing Order*, 15 February 2011, paras 117-118. See also **Case File No. 002-D427**, *Closing Order*, 15 September 2010, para. 1316.

<sup>194</sup> **Case File No. 002-D427/1/30**, *Decision on Ieng Sary’s Appeal against the Closing Order*, 11 April 2011, para. 257; **Case File No. 002-D427/2/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith Against the Closing Order*, 15 February 2011, paras 119-121, 123; **Case File No. 001-E188**, Judgement, 26 July 2010, paras 404-408.

<sup>195</sup> **Case File No. 002-E306/6**, *Decision on Defence Preliminary Objection Regarding a Statute of Limitations for Grave Breaches of the Geneva Conventions of 12 August 1949*, 31 October 2014, paras 8-12; **Case File No. 002-D427/1/30**, *Decision on Ieng Sary’s Appeal against the Closing Order*, 11 April 2011, para. 73.



76. In his final submission, the ICP states that he does not seek **Yim Tith's** indictment for grave breaches of the Geneva Conventions on the grounds that **Yim Tith's** conduct is sufficiently covered by legally characterising the alleged conduct as crimes against humanity, and that dispensing with the grave breaches charges will avoid unnecessary litigation and thus expedite the proceedings.<sup>196</sup> The Defence also submit that not indicting for grave breaches charges will save time at any trial stage.<sup>197</sup> I am not persuaded of the necessity or utility in dispensing with the grave breaches charges on such grounds: any time saving that might be achieved in doing so would be minimal given that the facts and evidence required to establish genocide and crimes against humanity will significantly overlap with the facts and evidence required to establish grave breaches of the Geneva Conventions.

*Chapeau requirements of grave breaches of the Geneva Conventions*

77. ***Existence of an international armed conflict*** – Common Article 2 of the Geneva Conventions requires the existence of an international armed conflict, which exists whenever there is a resort to armed force between States, irrespective of whether the States recognise that a state of war exists.<sup>198</sup>
78. The Geneva Conventions apply from the inception of the armed conflict and beyond the cessation of the hostilities, until a general conclusion of peace is reached, and, to the whole territory of the States party to the conflict, irrespective of whether combat takes place there.<sup>199</sup>
79. ***Nexus between the alleged crimes and the armed conflict*** – The alleged crimes must be closely related to the armed conflict as a whole: it is not necessary to establish that there was actual combat in the area where the crimes were allegedly committed. The

<sup>196</sup> **D378/2**, *International Co-Prosecutor's Rule 66 Final Submission Against Yim Tith*, 4 June 2018, para. 1081.

<sup>197</sup> **D378/5**, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, paras 467-468.

<sup>198</sup> Common Article 2 of the Geneva Conventions. **Case File No. 001-E188**, *Judgement*, 26 July 2010, paras 411-414; *Prosecutor v. Kordić et al.*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, para. 373; *Prosecutor v. Tadić*, *Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction*, ICTY Appeals Chamber (IT-94-1-AR72), 2 October 1995, para. 84; *Prosecutor v. Delalić et al.*, *Judgement*, ICTY Trial Chamber (IT-96-21-T), 16 November 1998, para. 183. *See also* ICRC, *Commentary to Geneva Convention IV*, Geneva, 1958, pp. 20-21.

<sup>199</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 415; *Prosecutor v. Kordić et al.*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, paras 319-321; *Prosecutor v. Delalić et al.*, *Judgement*, ICTY Trial Chamber (IT-96-21-T), 16 November 1998, para. 183, *citing* *Prosecutor v. Tadić*, *Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction*, ICTY Appeals Chamber (IT-94-1-AR72), 2 October 1995, para. 70.



armed conflict need not be causal to the alleged crime, but must play a substantial part in the perpetrator's decision and ability to commit it, the manner in which it was committed, or the purpose for which it was committed.<sup>200</sup>

80. *Status of the victims as protected persons* – Article 6 of the ECCC Law gives the ECCC jurisdiction over acts against persons or property protected under the Geneva Conventions, which, as relevant to the charges in Case 004, extends to prisoners of war (protected persons pursuant to Geneva Convention III) and civilians (protected persons pursuant to Geneva Convention IV).<sup>201</sup>
81. Prisoners of war are persons who have “*fallen into the power of the enemy*” and belong to one of several categories including members of the armed forces of a party to the conflict, and members of militias or volunteer corps forming part of such armed forces.<sup>202</sup> The protection afforded to prisoners of war applies from the time they fall into the power of the enemy until their final release and repatriation.<sup>203</sup>
82. Regarding civilians, Geneva Convention IV protects “*those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.*”<sup>204</sup> A key consideration when determining whether civilians fall within the protection of Geneva Convention IV is the allegiance, or lack thereof, that an individual has to a party to the conflict: civilians may be considered protected persons if they are viewed by the State into whose hands they have fallen as belonging to the opposing party to an armed conflict, and as posing a threat to that State, notwithstanding that they may also be nationals of that State.<sup>205</sup>

<sup>200</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 416; *Prosecutor v. Tadić*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, ICTY Appeals Chamber (IT-94-1-AR72), 2 October 1995, para. 70; *Prosecutor v. Kunarac et al.*, *Judgement*, ICTY Appeals Chamber (IT-96-23 & IT-96-23/1-A), 12 June 2002, paras 57-59; *Prosecutor v. Duško Tadić*, Opinion and *Judgement*, ICTY Trial Chamber (IT-94-1-T), 7 May 1997, paras 572-573.

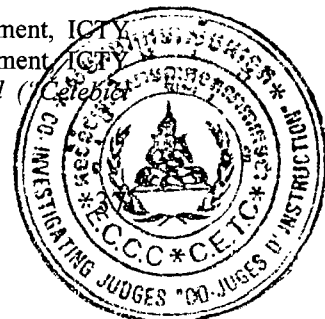
<sup>201</sup> Protected under Geneva Convention III, Articles 4, 129-130 and Geneva Convention IV, Articles 4, 146-147, respectively; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 417.

<sup>202</sup> Geneva Convention III, Article 4(A); **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 418.

<sup>203</sup> Geneva Convention III, Article 5.

<sup>204</sup> Geneva Convention IV, Article 4 **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 418.

<sup>205</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 419; *Prosecutor v. Tadić*, *Judgement*, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, paras 164-166, 168; *Prosecutor v. Blaškić*, *Judgement*, ICTY Appeals Chamber (IT-95-14-A), 29 July 2004, paras 172, 180-181; *Prosecutor v. Delalić et al.* (“*Celebici Case*”), *Judgement*, ICTY Appeals Chamber (IT-96-21-A), 20 February 2001, paras 73, 98.



83. **Perpetrator's knowledge** – The perpetrator must have had sufficient knowledge of the facts establishing the international character of the armed conflict and of the protected status of the victims under the Geneva Conventions.<sup>206</sup> Awareness by the perpetrator that a foreign state was involved in the armed conflict, and that a victim belonged to an adverse party to that armed conflict will suffice.<sup>207</sup>

*Elements of crimes constituting grave breaches of the Geneva Conventions*

84. The following grave breaches of the Geneva Conventions are relevant to Case 004: wilful killing, and unlawful deportation or transfer of civilians.<sup>208</sup>
85. The elements of **wilful killing** are equivalent to those of murder as a crime against humanity.<sup>209</sup>
86. The elements of **unlawful transfer of civilians** are equivalent to those of deportation as a crime against humanity,<sup>210</sup> save that unlawful transfer does not require movement across national borders.<sup>211</sup>
87. The elements of **unlawful deportation of civilians** are equivalent to those of deportation as a crime against humanity.<sup>212</sup>

3.2.2 *National crimes*

88. Article 3 new of the ECCC Law gives the CIJs jurisdiction over the crime of homicide,<sup>213</sup> as a violation of the 1956 Penal Code, which was the criminal code applicable from 1975 to 1979.<sup>214</sup>
89. In his final submission, the ICP states that he does not seek **Yim Tith's** indictment for national crimes on the grounds that **Yim Tith's** conduct is better characterised under

<sup>206</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, paras 421-422; *Prosecutor v. Naletilic et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-34-A), 3 May 2006, paras 113-121; *see also Prosecutor v. Kordić et al.*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, para. 311.

<sup>207</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, paras 421-422.

<sup>208</sup> ECCC Law, Article 6.

<sup>209</sup> *See* para. 46. **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 431; *Prosecutor v. Brđanin*, *Judgement*, ICTY Trial Chamber II (IT-99-36-T), 1 September 2004, para. 380.

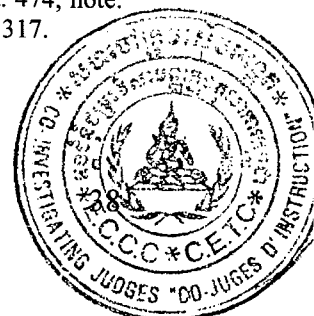
<sup>210</sup> *See* para. 49.

<sup>211</sup> *Prosecutor v. Krnojelac*, *Judgement*, ICTY Trial Chamber II (IT-97-25-T), 15 March 2002, para. 474, note. 1429; *Prosecutor v. Stakić*, *Judgement*, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, para. 317.

<sup>212</sup> *See* para. 49.

<sup>213</sup> Articles 501, 504, 505, 506, 507, and 508 of the 1956 Penal Code.

<sup>214</sup> **Case File No. 001-F28**, *Appeal Judgement*, 3 February 2012, para. 92.





the international crimes of genocide and crimes against humanity, and that dispensing with the national crimes will avoid unnecessary litigation and thus expedite the proceedings.<sup>215</sup> The Defence also submit that not indicting for national crimes will save time at the trial stage.<sup>216</sup> I am not persuaded of the necessity or utility in dispensing with national crimes on such grounds. Any time saving that might be achieved in doing so would be minimal given that the facts and evidence required to establish international crimes will significantly, if not completely, overlap with the facts and evidence required to establish national crimes.

### *Homicide*

90. One of the two forms of the domestic crime of homicide under the 1956 Penal Code is premeditated murder,<sup>217</sup> which requires the following elements:

- a. *Actus reus*: the perpetrator must have caused the death of another person.<sup>218</sup>
- b. *Mens rea*: the perpetrator must have acted “with premeditation” and “with the intent to cause death”.<sup>219</sup> Premeditation is defined as “the decision to act before the action is actually undertaken, whereby the amount of time after this decision must be long enough for the author to perform preparatory acts”.<sup>220</sup>

91. The PTC has found that premeditated murder is not subsumed by the international crime of murder, as it requires premeditation and a higher *mens rea*, i.e. the intent to kill rather than the lesser intent to cause serious bodily harm.<sup>221</sup>

### **3.3 Modes of liability**

#### **3.3.1 Modes of liability applicable to international crimes**

92. Pursuant to Article 29 of the ECCC Law, an individual may be held criminally responsible through the modes of liability of commission (including by participation in a joint criminal enterprise), planning, instigating, ordering, and superior responsibility.

<sup>215</sup> D378/2, *International Co-Prosecutor’s Rule 66 Final Submission Against Yim Tith*, 4 June 2018, para. 1080.

<sup>216</sup> D378/5, *Yim Tith’s Combined Response to the National and International Co-Prosecutors’ Final Submissions*, 26 November 2018, paras 467-468.

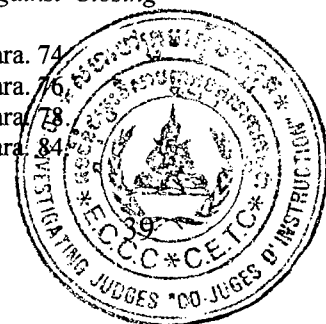
<sup>217</sup> Article 506 of the 1956 Penal Code; Case File No. 001-D99/3/42, *Decision on Appeal against Closing Order*, 5 December 2008, paras 74, 76.

<sup>218</sup> Case File No. 001-D99/3/42, *Decision on Appeal against Closing Order*, 5 December 2008, para. 74.

<sup>219</sup> Case File No. 001-D99/3/42, *Decision on Appeal against Closing Order*, 5 December 2008, para. 76.

<sup>220</sup> Case File No. 001-D99/3/42, *Decision on Appeal against Closing Order*, 5 December 2008, para. 78.

<sup>221</sup> Case File No. 001-D99/3/42, *Decision on Appeal against Closing Order*, 5 December 2008, para. 84.



These forms of liability were all part of customary international law during the time period covered by the ECCC's temporal jurisdiction.<sup>222</sup>

93. **Commission** – This form of criminal liability encompasses physical perpetration or culpable omission of an act.<sup>223</sup> The perpetrator must have acted with the intent to commit the crime, or with an awareness of the substantial likelihood that the crime would occur as a consequence of the alleged conduct.<sup>224</sup> Commission also encompasses participation in a joint criminal enterprise,<sup>225</sup> which is discussed further below.
94. **Planning** – This form of criminal liability arises when one or more persons design criminal conduct constituting one or more crimes that were later perpetrated.<sup>226</sup> The planning must have preceded and substantially contributed to the commission of the crimes.<sup>227</sup> The perpetrator must have had the intent for the crime to be committed, or have been aware of the substantial likelihood that the crime would be committed in the execution or implementation of the plan.<sup>228</sup>
95. **Instigating** – This form of criminal liability arises when an individual, through an act or an omission, prompts another person to commit a crime.<sup>229</sup> Instigation may be established through implicit, written or other non-verbal prompting, and it is not necessary to establish authority between the alleged instigator and perpetrator.<sup>230</sup> The instigation must precede and substantially contribute to the commission of the crime.<sup>231</sup> The instigator must intend to provoke or induce the commission of the crime, or be

<sup>222</sup> Commission: Case File No. 001-E188, *Judgement*, 26 July 2010, paras 478-479; Planning: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 697; Instigating: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 699; Ordering: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 701; Superior Responsibility: Case File No. 002-E313, *Judgement*, 7 August 2014, para. 714.

<sup>223</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 479.

<sup>224</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 481.

<sup>225</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 479.

<sup>226</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 698; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 518; *Prosecutor v. Kordić and Čerkez*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, para. 26.

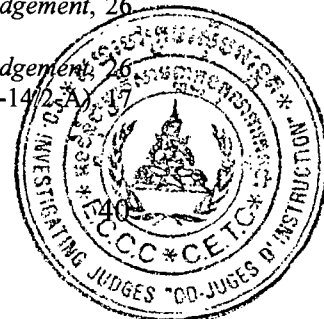
<sup>227</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 518.

<sup>228</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 698; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 519.

<sup>229</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 700; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 522.

<sup>230</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 700; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 522.

<sup>231</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 700; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 522; *Prosecutor v. Kordić and Čerkez*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, para. 27.



aware of the substantial likelihood that a crime would be committed in the execution of the instigation.<sup>232</sup>

96. **Ordering** – This form of criminal liability arises when an individual, in a position of *de facto* or *de jure* authority, instructs another person to commit a crime.<sup>233</sup> No formal superior-subordinate relationship is required.<sup>234</sup> The order in question, which is not required to take any particular form, must precede and have substantially contributed to the criminal conduct.<sup>235</sup> Responsibility for ordering may ensue also where an individual passes down or otherwise transmits an order, including through intermediaries.<sup>236</sup> The ordering person must have had the intent to bring about the commission of the crime, or have been aware of the substantial likelihood that the crime would be committed as a consequence of the execution or implementation of the order.<sup>237</sup>
97. **Superior responsibility** – Superior (or command) responsibility is a mode of criminal responsibility by culpable omission pursuant to which a military or civilian superior may be held criminally responsible for having failed to prevent and/or punish crimes committed by subordinates.
98. The first requirement is the existence of a superior-subordinate relationship,<sup>238</sup> which can be either *de jure* or *de facto*.<sup>239</sup> Further, superior responsibility applies to both military and civilian superiors.<sup>240</sup> The superior, whether military or civilian, must have had effective control, which is the material ability to prevent and/or punish the crimes

<sup>232</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 700; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 524.

<sup>233</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 702; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 527.

<sup>234</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 702; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 527.

<sup>235</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 702; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 527.

<sup>236</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 702; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 527.

<sup>237</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 702; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 528.

<sup>238</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 715; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 538.

<sup>239</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 540; see also *Prosecutor v. Delalić et al* (“*Celebić Case*”), *Judgement*, ICTY Appeals Chamber (IT-96-21-A), 20 February 2001, paras 191-192; and *Prosecutor v. Popović et al.*, *Judgement*, ICTY Trial Chamber (IT-05-88-T), 10 June 2010, para. 1038.

<sup>240</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 714; Case File No. 001-E188, *Judgement*, 26 July 2010, paras 476-477.



of the subordinate-perpetrator.<sup>241</sup> Finally, the superior must have failed to take the necessary and reasonable measures to prevent the commission of such crime or punish the perpetrator.<sup>242</sup> According to the jurisprudence of the *ad hoc* tribunals, it is not necessary to prove a causal link between a superior's failure to prevent the subordinate's crimes and the occurrence of these crimes.<sup>243</sup>

99. In addition, to incur criminal responsibility the superior must have known or had reason to know, by being in possession of information sufficiently alarming to justify further enquiry, that a crime was about to be, or had been, committed by one or more of his or her subordinates.<sup>244</sup> The superior need not know the precise identity of the subordinate-perpetrator, however, their existence must be proved.<sup>245</sup>
100. The failure to prevent and failure to punish are legally and factually distinct modes of liability representing two distinct legal obligations. A superior may be held responsible for both failures.<sup>246</sup>
101. Superiors may incur responsibility for crimes committed by subordinates who were not formally under their *direct* control, provided the other requirements of superior responsibility are met.<sup>247</sup>
102. The *mens rea* required for superiors to be held responsible for specific intent crimes is that the superior knew or had reason to know that their subordinates (i) were about to

<sup>241</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 715; Case File No. 001-E188, *Judgement*, 26 July 2010, paras 540-542.

<sup>242</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 716; Case File No. 001-E188, *Judgement*, 26 July 2010, paras 545-547.

<sup>243</sup> *Prosecutor v. Hadžihasanović and Kubura*, *Judgement*, ICTY Appeals Chamber (IT-01-47-A), 22 April 2008, para. 40.

<sup>244</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 715; Case File No. 001-E188, *Judgement*, 26 July 2010, paras 543-544.

<sup>245</sup> *Prosecutor v. Blagojević and Jokić*, *Judgement*, ICTY Appeals Chamber (IT-02-60-A), 9 May 2007, para. 287; *Prosecutor v. Orić*, *Judgement*, ICTY Appeals Chamber (IT-03-68-A), 3 July 2008, para. 35.

<sup>246</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, paras 545-547; *see also*, *Prosecutor v. Hadžihasanović and Kubura*, *Judgement*, ICTY Appeals Chamber (IT-01-47-A), 22 April 2008, paras 259-260.

<sup>247</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 721; Case File No. 001-E188, *Judgement*, 26 July 2010, para. 542, citing *Prosecutor v. Blaškić*, *Judgement*, ICTY Appeals Chamber (IT-95-14-A), 29 July 2004, para. 67 and *Prosecutor v. Delalić et al ("Čelebići Case")*, *Judgement*, ICTY Appeals Chamber (IT-96-21-A), 20 February 2001, para. 252.



commit or had committed the relevant crime, and (ii) possessed the requisite specific intent.<sup>248</sup>

103. The Defence argue that superior responsibility can only be applied to crimes connected to an international armed conflict.<sup>249</sup> I consider it settled law at the ECCC that the doctrine was applicable, prior to 1975, to both international and non-international armed conflicts, as well as to crimes against humanity,<sup>250</sup> and refer to and rely upon the consistent approach to the doctrine at the ECCC, namely that superior responsibility existed in international law, regardless of the context, by 1975.<sup>251</sup>
104. *Joint criminal enterprise* – Participation in a joint criminal enterprise (“JCE”) amounts to commission under Article 29 of the ECCC Law.<sup>252</sup> JCE is a form of co-perpetration where a plurality of persons shares a common purpose or objective which amounts to or involves the commission of one or more crimes.<sup>253</sup>
105. International criminal courts and tribunals have identified three forms of JCE.<sup>254</sup> Contrary to the Defence submissions,<sup>255</sup> the first and second forms of JCE existed in customary international law between 1975 and 1979 and are applicable at the ECCC.<sup>256</sup> The third form of JCE was not part of customary international law during that period

<sup>248</sup> *Prosecutor v. Blagojević and Jokić*, Judgement, ICTY Trial Chamber (IT-02-60), 17 January 2005, paras 682, 686; *Prosecutor v. Brđanin*, Judgement, ICTY Trial Chamber (IT-99-36-T), 1 September 2004, paras 715-721.

<sup>249</sup> **D378/5**, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, paras 603-604.

<sup>250</sup> **Case File No. 003-D267**, [Redacted] *Closing Order*, 28 November 2018, para. 104.

<sup>251</sup> In Case 002, no distinction between international and non-international conflicts was made regarding the applicability of superior responsibility by the CIJs in their indictment (**Case File No. 002-D427**, *Closing Order*, 15 September 2010, paras 1307, 1319, 1558-1562), by the PTC in deciding the closing order appeals (**Case File No. 002-D427/3/15**, *Decision on Appeals by Nuon Chea and Ieng Thirith against the Closing Order*, 15 February 2011, paras 190-232; **Case File 002-D427/1/30**, *Decision on Ieng Sary's Appeal Against the Closing Order*, 11 April 2011, paras 413-460), by the Trial Chamber in its Judgement (**Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 714-719), nor by the parties in their Case 002/2 closing briefs (**Case File No. 002-E457/6/3/1**, *Nuon Chea's Amended Closing Brief in Case 002/02*, 28 September 2017, para. 1213; **Case File No. 002-E457/6/1/1**, *Co-Prosecutor's Amended Closing Brief in Case 002/02*, 2 October 2017, paras 246-255; **Case File No. 002-E457/6/2/3**, *Civil Party Lead Co-Lawyers' Amended Closing Brief in Case 002/02*, 2 October 2017; **Case File No. 002-E457/6/4/1.2**, *Conclusions Finales Amendées de Khieu Samphan (002/02)*, 2 October 2017, paras 2469-2470).

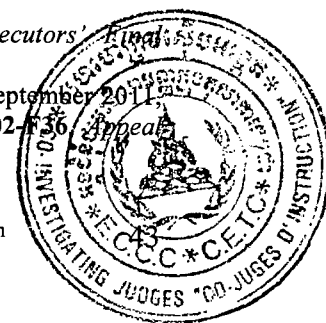
<sup>252</sup> **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2011, para. 22; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 690.

<sup>253</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 692.

<sup>254</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 690; *Prosecutor v. Tadić*, Judgement, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, paras 196-204.

<sup>255</sup> **D378/5**, *Yim Tith's Combined Response to the National and International Co-Prosecutors' Final Submissions*, 26 November 2018, paras 524-598.

<sup>256</sup> **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2011, para. 22; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 691; **Case File No. 002-E36**, *Appeal*, Judgement, 23 November 2016, para. 791.



and is therefore not applicable at the ECCC.<sup>257</sup> The first and second forms of JCE share the three objective elements set out in the following paragraphs.<sup>258</sup> The second form is, however, characterised by the existence of an organised system of ill-treatment.<sup>259</sup>

106. *Common purpose* - The common purpose or objective can either be inherently criminal (such that the common purpose *amounts to* the commission of a crime or crimes), or have a non-criminal objective which the plurality of persons intends to achieve through criminal means (such that the common purpose *involves* the commission of a crime or crimes).<sup>260</sup>
107. In Case 002/1, for example, the TC and SCC found that the JCE members shared a common purpose to implement a socialist revolution in Cambodia, which itself was not a criminal purpose, but it involved the commission of crimes to bring the common purpose to fruition.<sup>261</sup>
108. There is no requirement for a previously arranged or formulated plan by the participants. The common purpose or objective may materialise extemporaneously and may be inferred from the fact that a plurality of persons acts in unison to put into effect a JCE.<sup>262</sup>

<sup>257</sup> **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2011, paras 35, 38; **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 791; **Case File No. 002-D97/15/9**, *Decision on the Appeals against the Co-Investigating Judges' Order on Joint Criminal Enterprise (JCE)*, 20 May 2010, paras 77, 87-88.

<sup>258</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 692; **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 508.

<sup>259</sup> **Case File No. 001-E188**, *Judgement*, 26 July 2010, para. 507; **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2011, para. 22.

<sup>260</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 814; **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2011, para. 17; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 696; *Prosecutor v. Brđanin*, *Judgement*, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 418; *Prosecutor v. Brima et al.*, *Judgement*, SCSL Appeals Chamber (SCSL-04-16-A), 22 February 2008, para. 80. *See also Prosecutor v. Kvočka et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, para. 96.

<sup>261</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, paras 778, 804, 834; **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 816. Similarly, in *Prosecutor v. Prlić et al.*, *Judgement*, ICTY Trial Chamber (IT-04-74-T), Vol. 4 of 6, 29 May 2013, paras 24, 41-43, 65-68, the Trial Chamber found that the JCE members shared the objective to create an independent state separate from Bosnia and Herzegovina. While this objective was not criminal, the JCE members sought to achieve it through the commission of a number of crimes against the Muslim population.

<sup>262</sup> *Prosecutor v. Tadić*, *Judgement*, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, para. 227(ii); *Prosecutor v. Brđanin*, *Judgement*, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 418; *Prosecutor v. Mpambara*, *Judgement*, ICTR Trial Chamber (ICTR-01-65-T), 11 September 2006, para. 13, "Unlike conspiracy, no specific agreement to commit the crime need be shown: the common purpose may arise spontaneously and informally, and the persons involved need not be associated through a formal organization."



109. *Plurality of persons* – a JCE requires the participation of a plurality of persons in the common purpose.<sup>263</sup> It is not necessary to identify, by name, all JCE participants and it may be sufficient to adequately refer to categories or groups of persons.<sup>264</sup> The plurality of persons need not be organised in a military, political or administrative structure.<sup>265</sup>
110. *Participation in the common purpose* – Participation in the common purpose need not involve carrying out any part of the *actus reus* of a crime forming part of the common purpose.<sup>266</sup> It suffices that the conduct of the participant is in some way directed to furthering the common purpose.<sup>267</sup> A JCE member's conduct can take the form of an act or culpable omission.<sup>268</sup> A JCE member's contribution need not be a necessary one, without which the crime(s) part of the common purpose could or would not have been committed,<sup>269</sup> but must at least amount to a significant contribution to the crime(s).<sup>270</sup>

<sup>263</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 692; *Prosecutor v. Kvočka et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, para. 81.

<sup>264</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 692; *Prosecutor v. Brđanin*, *Judgement*, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 430; *Prosecutor v. Đorđević*, *Judgement*, ICTY Trial Chamber (IT-05-87/1-T), 23 February 2011, para. 1861, “It is not necessary to identify by name each of the persons involved; depending on the circumstances of the case, it can be sufficient to refer to categories or groups of persons. However, such categories or groups must be adequately identified as to avoid vagueness or ambiguity”. For an example of too vague a characterisation of the members of a JCE, see *Prosecutor v. Krajišnik*, *Judgement*, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, paras 156-157.

<sup>265</sup> *Prosecutor v. Tadić*, *Judgement*, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, para. 227(i); *Prosecutor v. Đorđević*, *Judgement*, ICTY Trial Chamber (IT-05-87/1-T), 23 February 2011, para. 1861.

<sup>266</sup> *Prosecutor v. Brđanin*, *Judgement*, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 427; *Prosecutor v. Tadić*, *Judgement*, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, para. 227(iii); *Prosecutor v. Krajišnik*, *Judgement*, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, para. 215.

<sup>267</sup> *Prosecutor v. Tadić*, *Judgement*, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, paras 191, 227 (iii), 229 (iii); *Prosecutor v. Kvočka et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, para. 187. The *Krajišnik* trial judgement provides a good example of a conduct which is not criminal *per se*, but which in the circumstances of the case significantly contributed to the commission of the crimes. In paras 1120 and 1121 of *Prosecutor v. Krajišnik*, *Judgement*, ICTY Trial Chamber (IT-00-39-T), 27 September 2006, the Chamber found that *Krajišnik*'s overall contribution to the JCE was to help establish and perpetuate the SDS party and state structures “that were instrumental to the commission of the crimes.” The Appeals Chamber upheld the Trial Chamber's judgement, stating that “the participation of an accused in the JCE need not involve the commission of a crime, what is important is that it furthers the execution of the common objective or purpose involving the commission of crimes”, *Prosecutor v. Krajišnik*, *Judgement*, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, paras 215, 218. See also *Prosecutor v. Brđanin*, *Judgement*, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 430.

<sup>268</sup> Case File No. 002-E313, *Judgement*, 7 August 2014, para. 693; *Prosecutor v. Kvočka et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, paras 187, 421, 556. As a matter of general principle, the ICTY and ICTR Appeals Chambers have consistently held that a crime may be committed by culpable omission where there is a duty to act, and that an accused may be held directly responsible for contributing to a crime by omission where an accused had a duty to act, see *Prosecutor v. Blaškić*, *Judgement*, ICTY Appeals Chamber (IT-95-14-A), 29 July 2004, para. 663; *Prosecutor v. Galić*, *Judgement*, ICTY Appeals Chamber (IT-98-29-A), 30 November 2006, para. 175.

<sup>269</sup> *Prosecutor v. Kvočka et al.*, *Judgement*, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, paras 98, 193.



111. Even activities that are, on their face, unrelated to the commission of crimes may be taken into account when determining whether the JCE member made a significant contribution.<sup>271</sup> Such activities may nevertheless further and support the commission of crimes, if only indirectly.<sup>272</sup> In making this assessment, the totality of the activities should be considered, and particular contributions should not be assessed in isolation.<sup>273</sup> The significance of a contribution to the JCE should be determined on a case-by-case basis, taking into account a variety of factors, including the position of the charged person, level and efficiency of participation, and any efforts to prevent crimes.<sup>274</sup>
112. *Mens rea* – For the first form of JCE, a JCE member must intend the commission of each crime that is part of the common purpose, that is, the intent must cover both the common purpose and the crimes it encompasses.<sup>275</sup> This intent must be shared by and be common to all JCE members.<sup>276</sup> For the second form of JCE, a JCE member must have knowledge of the criminal nature of a system of ill-treatment, and intend to further that system.<sup>277</sup> Where the crime involves persecution or genocide, the JCE members must share the special intent required for those crimes.<sup>278</sup>

<sup>270</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 980; *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 430; *Prosecutor v. Krajišnik*, Judgement, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, paras 215, 696.

<sup>271</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 984.

<sup>272</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 984.

<sup>273</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 980.

<sup>274</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 980.

<sup>275</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 1053.

<sup>276</sup> *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 430; *Prosecutor v. Krajišnik*, Judgement, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, para. 200; *Prosecutor v. Stakić*, Judgement, ICTY Appeals Chamber (IT-97-24-A), 22 March 2006, para. 65. See also *Prosecutor v. Tadić*, Judgement, ICTY Appeals Chamber (IT-94-1-A), 15 July 1999, para. 196: “The first such category is represented by cases where all co-defendants, acting pursuant to a common design, possess the same criminal intention; for instance, the formulation of a plan among the co-perpetrators to kill, where, in effecting this common design (and even if each co-perpetrator carries out a different role within it), they nevertheless all possess the intent to kill. The objective and subjective prerequisites for imputing criminal responsibility to a participant who did not, or cannot be proven to have, effected the killing are as follows: (i) the accused must voluntarily participate in one aspect of the common design (for instance, by inflicting non-fatal violence upon the victim, or by providing material assistance to or facilitating the activities of his co-perpetrators); and (ii) the accused, even if not personally effecting the killing, must nevertheless intend this result,” and para. 228; *Prosecutor v. Ntakirutimana et al.*, Judgement, ICTR Appeals Chamber, (ICTR-96-10-A and ICTR-96-17-A), 13 December 2004, para. 463: “The first category is a ‘basic’ form of joint criminal enterprise. It is represented by cases where all co-perpetrators, acting pursuant to a common purpose, possess the same criminal intention”; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 694; *Prosecutor v. Vasiljević*, Judgement, ICTY Appeals Chamber (IT-98-32-A), 25 February 2004, para. 101.

<sup>277</sup> **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 694; **Case File No. 001-E188**, *Judgement*, July 2010, para. 509.

<sup>278</sup> **Case File No. 002-E100/6**, *Decision on the Applicability of Joint Criminal Enterprise*, 12 September 2009, para. 16; **Case File No. 002-E313**, *Judgement*, 7 August 2014, para. 694; *Prosecutor v. Kvočka*,





113. The SCC has clarified that, in the instance of a common purpose *involving* the commission of a crime or crimes, it is not necessary that those who agree on the common purpose actually “*desire*” that the crime be committed, as long as they recognise that the crime is to be committed to achieve the ulterior objective.<sup>279</sup> The SCC added that this may include crimes that are foreseen as a means to achieve a given common purpose, even if their commission is not certain.<sup>280</sup> It explained that if attaining the objective of a common purpose may bring about the commission of crimes, but it is agreed to pursue the objective regardless, the common purpose encompasses these crimes because, even though not directly intended, they are contemplated by it.<sup>281</sup> I interpret this holding of the SCC, also on the basis of its use of the word “*desire*”, as a clarification that the commission of the crimes need not be the primary objective of the JCE members. However, there remains the need to show intent to commit the crimes by the JCE members, which is a fundamental requirement of the first type of JCE.

114. *Physical perpetrators* – JCE members can be held responsible for crimes committed by physical perpetrators who were not members of the JCE, as long as the crimes were part of the common purpose and committed in its furtherance.<sup>282</sup> To hold a member of a JCE responsible for crimes committed by non JCE-members, it must be shown that the crime can be imputed to at least one member of the JCE, and that this member – when using a physical perpetrator who was not a member of the JCE – acted to further the common purpose.<sup>283</sup> The existence of this link is a matter to be assessed on a case-by-case basis.<sup>284</sup>

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Judgement, ICTY Appeals Chamber (IT-98-30/1-A), 28 February 2005, paras 109-110; *Prosecutor v. Krnojelac*, Judgement, ICTY Appeals Chamber (IT-97-25-A), 17 September 2003, paras 111-112.

<sup>279</sup> *Case File No. 002-F36, Appeal Judgement*, 23 November 2016, para. 808.

<sup>280</sup> *Case File No. 002-F36, Appeal Judgement*, 23 November 2016, para. 808.

<sup>281</sup> *Case File No. 002-F36, Appeal Judgement*, 23 November 2016, para. 808.

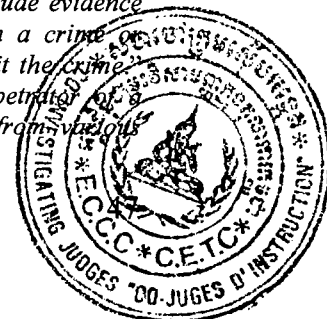
<sup>282</sup> *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, paras 410-413; *Prosecutor v. Krajišnik*, Judgement, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, para. 225.

<sup>283</sup> *Case File No. 002-E313, Judgement*, 7 August 2014, para. 693; *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, para. 413.

<sup>284</sup> *Prosecutor v. Brđanin*, Judgement, ICTY Appeals Chamber (IT-99-36-A), 3 April 2007, paras 413, 418; *Prosecutor v. Krajišnik*, Judgement, ICTY Appeals Chamber (IT-00-39-A), 17 March 2009, paras 225-226.

According to the *Krajišnik* Appeal Judgement, para. 226: “*Factors indicative of such a link include evidence that the JCE member explicitly or implicitly requested the non-JCE member to commit such a crime, instigated, ordered, encouraged, or otherwise availed himself of the non-JCE member to commit the crime.*”

According to the *Brđanin* Appeal Judgement, para. 410: “*In cases where the principal perpetrator of a particular crime is not a member of the JCE, this essential requirement may be inferred from circumstantial evidence.*”



### 3.3.2 Modes of liability applicable to national crimes

115. The CIJs in Case 002 held that commission through participation in a JCE, superior responsibility, and instigating only apply to international crimes.<sup>285</sup> The PTC has not specifically addressed the applicability of superior responsibility and instigating to national crimes, but rejected the civil parties' argument that JCE is applicable to national crimes. In the PTC's view, participation in a JCE embraces situations where the charged person may be "*more remote from the actual perpetration of the actus reus of the crime than those foreseen by the direct participation required under domestic law.*"<sup>286</sup> The PTC has also expressed the view that the domestic form of co-perpetration set forth in Article 82 of the 1956 Penal Code is, like JCE, a form of commission which falls under Article 29 of the ECCC Law.<sup>287</sup>
116. Thus, consistent with the Closing Orders in Case 004/1, Case 004/2, and Case 003, applying the PTC's formulation of domestic modes of liability and taking into account the CIJs' approach in Case 002, the modes of liability of commission (as a co-perpetrator), planning, and ordering will be considered with regard to violations of the 1956 Penal Code.

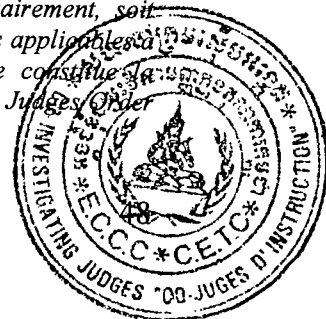
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*circumstances, including the fact that the accused or any other member of the JCE closely cooperated with the principal perpetrator in order to further the common criminal purpose".*

<sup>285</sup> **Case File No. 002-D427**, Closing Order, 15 September 2010, para. 1307; **Case File 002-D427/1/30**, Decision on Ieng Sary's Appeal Against the Closing Order, 11 April 2011, para. 296; see also **Case File No. 002-D97/13**, Order on the Application at the ECCC of the Form of Liability Known as Joint Criminal Enterprise, 8 December 2009, para. 22.

<sup>286</sup> **Case File No. 002-D97/15/9**, Decision on the Appeals against the Co-Investigating Judges Order on Joint Criminal Enterprise (JCE), 20 May 2010, para. 101.

<sup>287</sup> Article 82 of the 1956 Penal Code reads in French: "*Toute personne participant volontairement, soit directement, soit indirectement, à la perpétration d'un crime ou d'un délit, est passible des peines applicables à l'auteur principal. La participation directe constitue la coaction, la participation indirecte constitue la complicité.*"; **Case File No. 002-D97/15/9**, Decision on the Appeals against the Co-Investigating Judges Order on Joint Criminal Enterprise (JCE), 20 May 2010, para. 102.



## 4 EVIDENTIARY CONSIDERATIONS

### 4.1 Statements other than written records of interviews generated by the OCIJ

117. The vast majority of the evidence relied on in Case 004 consists of WRIs generated by the OCIJ during the investigation, which are prepared under judicial supervision and subject to specific legal and procedural safeguards, and are thus entitled to a presumption of relevance and reliability.<sup>288</sup> I consider that transcripts of trial proceedings from other ECCC cases, and placed on Case File 004 because of their relevance to the allegations, enjoy the same presumption.
118. Statements and other evidence collected without judicial supervision by entities external to the ECCC, including DC-Cam, were generated without the judicial guarantees and formality that characterise WRIs, and thus enjoy no such presumption.<sup>289</sup> However, this does not include contemporaneous Democratic Kampuchea (“DK”)–era documents originating from DC-Cam, which the TC has found to enjoy a rebuttable presumption of *prima facie* relevance and reliability.<sup>290</sup>
119. Interviews conducted by the Co-Prosecutors during their preliminary investigations, although prepared specifically for criminal proceedings, are not conducted under oath and are prepared by a party with an inherent interest in the outcome of the case. Such statements are, however, collected for the purpose of a criminal trial and are therefore, in principle, afforded higher probative value than evidence not collected specifically for that purpose (including statements prepared by DC-Cam).<sup>291</sup>
120. Civil party applications enjoy no presumption of reliability and have been afforded little, if any, probative value if the circumstances in which they were recorded are not

<sup>288</sup> **Case File No. 002-E96/7**, *Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber*, 20 June 2012, paras 26-27, 29; **Case File No. 002-E162**, *Trial Chamber response to portions of E114, E114/1, E131/1/9, E131/6, E136 and E158*, 31 January 2012, para. 3; **Case File No. 002-E185**, *Decision on Objections to Documents Proposed to be put before the Chamber on the Co-Prosecutors’ Annexes A1-A5 and to Documents cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01*, 9 April 2012, para. 20.

<sup>289</sup> **Case File No. 002-E96/7**, *Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber*, 20 June 2012, para. 29.

<sup>290</sup> **Case File No. 002-E185**, *Decision on Objections to Documents Proposed to be put before the Chamber on the Co-Prosecutors’ Annexes A1-A5 and to Documents cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01*, 9 April 2012, para. 28; **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 373.

<sup>291</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 296.



known.<sup>292</sup> Civil party applications and victim complaints offering only general conclusions and therefore representing a “*common narrative*” as opposed to personal experiences have been treated as insufficient to establish relevant facts.<sup>293</sup> Out-of-court statements by civil parties, other than those taken by the OCIJ, have been afforded low probative value,<sup>294</sup> while in-court civil party testimony has been assessed with caution.<sup>295</sup>

121. In conclusion, and balancing these considerations, WRIs generated by the OCIJ and trial transcripts enjoy a higher reliability presumption and have been afforded a higher probative value than statements prepared by other entities. With regard to the latter, a more cautious approach has been adopted in their assessment, and the information contained therein has been relied on only when corroborated by other sources.

#### **4.2 Hearsay evidence and reliance on uncorroborated evidence**

122. Pursuant to Internal Rule 87, all evidence is admissible in cases before the ECCC, including hearsay. Both the TC and the SCC consider that hearsay evidence can be relied upon, where sufficiently relevant and probative.<sup>296</sup> Other international courts have also acknowledged that judges may cautiously rely on hearsay, determining its reliability and probative value on a case-by-case basis.<sup>297</sup> This is the approach followed in this Closing Order.

123. The testimony of a single witness may be sufficient to establish a fact where sufficiently reliable and probative (although, as noted above, this approach has only been taken with respect to WRIs generated by the OCIJ and ECCC trial transcripts).<sup>298</sup>

<sup>292</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 296.

<sup>293</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 457.

<sup>294</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 550.

<sup>295</sup> Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 315.

<sup>296</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 43; *see also* Case File No. 002-F36, *Appeal Judgement*, 23 November 2016, para. 302.

<sup>297</sup> *Prosecutor v. Ndinabahizi*, *Judgement*, ICTR Appeals Chamber (ICTR-01-71-A), 16 January 2007, para. 115; *Prosecutor v. Gacumbitsi*, *Judgement*, ICTR Appeals Chamber (ICTR-2001-64-A), 7 July 2006, para. 115; *Prosecutor v. Rutaganda*, *Judgement*, ICTR Appeals Chamber (ICTR-96-3-A), 26 May 2003, paras 34, 207, 311; *Prosecutor v. Karera*, *Judgement*, ICTR Appeals Chamber (ICTR-01-74-A), 2 February 2009, paras 39, 178; *Prosecutor v. Kordić and Cerkez*, *Judgement*, ICTY Appeals Chamber (IT-95-14/2-A), 17 December 2004, paras 281-284; *Prosecutor v. Gatete*, *Judgement*, ICTR Appeals Chamber (ICTR-00-61-A), 9 October 2012, para. 99; *Prosecutor v. Đorđević*, *Judgement*, ICTY Appeals Chamber (IT-05-87/1-A), 27 January 2014, para. 397.

<sup>298</sup> Case File No. 001-E188, *Judgement*, 26 July 2010, para. 43.



In principle, uncorroborated hearsay evidence can also be relied upon.<sup>299</sup> However, factors such as the source of that hearsay, the circumstances in which the witness learned about it, the consistency of that evidence with other related evidence on the case file, and all other relevant circumstances need to be carefully assessed in cases of uncorroborated hearsay, especially when the evidence relates to specific elements of crimes or to the conduct of the charged person.

124. Contemporaneous DK-era documents originating directly from DC-Cam, in contrast to statements gathered after the DK-era, were recorded at or in close temporal proximity to the events depicted therein and are direct evidence thereof, they do not suffer from memory deficits associated with witness statements, nor were they prepared by a party with an inherent interest in the outcome of the case, at the time of their creation. As noted above, they are also afforded a rebuttable presumption of relevance and reliability. Accordingly, while a cautious approach is required, uncorroborated evidence of this type has been relied upon where appropriate.

### 4.3 Torture-tainted evidence

125. Pursuant to Article 15 of the Convention against Torture, there is an absolute prohibition against using as evidence information contained in statements obtained under torture<sup>300</sup> and in using such statements in the questioning of witnesses,<sup>301</sup> except as evidence against an accused torturer as evidence that a statement was made under torture.
126. Confessions of prisoners detained in the S-21 Security Centre are presumed to have been made under torture. This is a rebuttable presumption.<sup>302</sup>

<sup>299</sup> **Case File No. 002-F36**, *Appeal Judgement*, 23 November 2016, para. 302; *Prosecutor v. Gacumbitsi*, Judgement, ICTR Appeals Chamber (ICTR-2001-64-A), 7 July 2006, para. 133.

<sup>300</sup> **Case File No. 002-D130/9/21**, *Decision on Admissibility of the Appeal against the Co-Investigating Judges' Order on Use of Statements Which Were or May Have Been Obtained by Torture*, 18 December 2009, para. 30; **Case File No. 001-E1/27.1**, Transcript of trial proceedings [Kaing Guek Eav "Duch"], 28 May 2009, ERN 00336853, lines 1-25; **Case File No. 001-E176**, *Decision on Parties' Request to Put Certain Materials Before the Trial Chamber Pursuant to Internal Rule 87(2)*, 28 October 2009, para. 8; **Case File No. 002-E1/129.1**, Transcript of Hearing on the Substance in Case 002 [Meas Voenu], 3 October 2012, ERN 00852660, lines 8-21.

<sup>301</sup> **Case File No. 002-F26/12**, *Decision on Objections to Document Lists Full Reasons*, 31 December 2015, para. 47; **Case File 002-E1/129.1**, Transcript of Hearing on the Substance in Case 002 [Meas Voenu], 3 October 2012, ERN 00852660, lines 8-21.

<sup>302</sup> **Case File No. 002-F26/12**, *Decision on Objections to Document Lists Full Reasons*, 31 December 2015, paras 57-58.



127. Information contained in S-21 ‘detainee biographies’<sup>303</sup> other than a prisoner’s name, sex, and date of arrest, entry into S-21, or execution falls under this prohibition.<sup>304</sup> Information contained in S-21 confessions that originates from persons other than the torture victim, for example annotations made by the torturer, does not, however, fall under this prohibition.<sup>305</sup> Nor does Article 15 prohibit the use of information found in statements taken under torture during DK to locate witnesses and possibly interview them.<sup>306</sup> There is thus no prohibition against the use of evidence of witnesses identified in torture-tainted statements such as S-21 confessions and subsequently interviewed by the OCIJ.<sup>307</sup>
128. During the judicial investigation, the OCIJ created an organisational chart of the administration of Sector 5 of the Northwest Zone, including the Preah Net Preah District, intended for internal use only. Some of the names of persons in the organigram were taken from S-21 confessions. In a small number of cases, this organisational chart was used beyond its intended purpose and was put to witnesses who were asked to

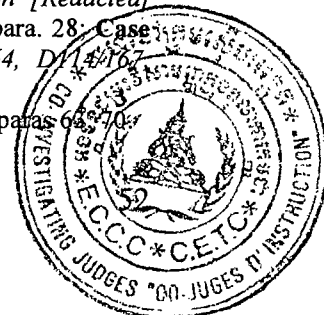
<sup>303</sup> Typically single-page documents setting out a S-21 detainee’s name, alias, date of birth, gender, nationality, position and department in “the revolution”, place of birth, number of children, and the date and place of arrest.

<sup>304</sup> **D372/1/7, Decision on Yim Tith’s Application to Annul Evidence Made as a Result of Torture**, 27 September 2018, paras 20-21; **Case File No. 003-D257/1/8, [Public Redacted] Decision on [Redacted] Application for the Annulment of Torture-Derived Written Records of Interview**, 24 July 2018, para. 26.

<sup>305</sup> **D372/1/7, Decision on Yim Tith’s Application to Annul Evidence Made as a Result of Torture**, 27 September 2018, para. 21; **Case File No. 003-D257/1/8, [Public Redacted] Decision on [Redacted] Application for the Annulment of Torture-Derived Written Records of Interview**, 24 July 2018, para. 26; **Case File No. 002-F26/12, Decision on Objections to Document Lists Full Reasons**, 31 December 2015, paras 66-68.

<sup>306</sup> One of the policy rationales underpinning Article 15 of the Convention against Torture is to remove any incentive for states to engage in torture. To avoid frustrating this policy rationale, in stating the legitimacy of using evidence located through information obtained under torture, it is necessary to distinguish between the following two scenarios. Firstly, a situation where torture information is used by the torturing authorities to locate witnesses, suspects, fugitives or to otherwise further an ongoing investigation; and secondly, a situation where a judicial authority investigating the torturers seeks to use information elicited by the latter in order to identify possible sources of evidence against them. Allowing the use of torture information as investigative leads in the first scenario could incentivise the use of torture. So, for example, if an intelligence agency obtains a statement through torture, and subsequently uses names provided in that statement to locate a stash of documents or a person with information relevant to the investigation, those documents or the testimony of that person should not be admitted as evidence in any proceedings. In the second scenario, however, the judicial authority is neither directly nor indirectly connected to the torturing authorities, and would use possible leads to locate evidence *against* the torturers. In my view, evidence from witnesses located on the basis of statements obtained under torture can only be used in the second scenario. The PTC has also confirmed that the use of information from torture-tainted material as investigative leads does not amount to the use of that information as ‘evidence’ (**D372/1/7, Decision on Yim Tith’s Application to Annul Evidence Made as a Result of Torture**, 27 September 2018, paras 23-25; **Case File No. 003-D257/1/8, [Public Redacted] Decision on [Redacted] Application for the Annulment of Torture-Derived Written Records of Interview**, 24 July 2018, para. 28; **Case File No. 003-D253/1/8, [Public Redacted] Decision on Request for Annulment of D114/164, D114/167, D114/170, and D114/171**, 13 December 2017, paras 30, 32).

<sup>307</sup> **Case File No. 002-E350/8, Decision on Evidence Obtained through Torture**, 5 February 2016, paras 64-70.



comment on it.<sup>308</sup> Considering the presumption of torture attached to S-21 confessions and the prohibition against the use of information contained therein in the questioning of witnesses, any answer of witnesses based on or linked to this organisational chart has been disregarded. For the same reason, the *Investigator's notes* after Question and Answer 32, as well as Question and Answer 33 of D219/477 (English ERN 01141203-01141204) have been disregarded.

#### 4.4 Documentation Center of Cambodia mapping reports

129. As part of its mapping project to identify and map mass graves across Cambodia, DC-Cam prepared multiple reports containing information potentially relevant to the investigation into allegations against **Yim Tith**; the case file also includes one DC-Cam magazine, presenting results that appear to be a result of mapping projects, that contains potentially relevant information. The reports and the magazine provide information on, *inter alia*, the numbers of graves and of victims in relation to sites that form part of the allegations in Case 004.<sup>309</sup>
130. My general views on the probative value of such mapping reports were expressed jointly with my national colleague in the Case 004/1 *Closing Order (Reasons)*.<sup>310</sup> Specifically, the mapping reports, which are based on field visits and interviews with sources, do not provide sufficient information regarding the sources of witnesses' knowledge of victim numbers so as to enable an adequate reliability and credibility assessment of the evidence. The dates and causes of death of the victims are also unknown or unclear, thereby rendering it impossible to determine whether the deaths

<sup>308</sup> The WRIs and specific answers affected by this practice are: **D119/29**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013 – Question and Answer 17 (English ERN 00937036-00937037); **D119/33**, Written Record of Interview of Witness Chhit Yoeuk, 26 April 2013 – Question and Answer 13 up to and including Question and Answer 32 (English ERN 00923046-00923050); **D119/110**, Written Record of Interview of Witness Witness Chum Kan, 26 March 2014 – Question and Answer 95 (English ERN 00985688-00985690); **D119/112**, Written Record of Interview of Witness Til Sengly, 1 April 2014 – Question and Answer 40 (English ERN 00987784); **D119/135**, Written Record of Interview of Witness Riem Iem, 21 July 2014 – Investigator's notes after Question and Answer 57 (English ERN 01040527-01040528); **D119/137**, Written Record of Interview of Witness Ith Iet, 23 July 2014 – Investigator's notes after Question and Answer 26 (English ERN 01044782-01044783); **D219/477**, Written Record of Interview of Witness Samut Van, 21 August 2015 – Investigator's notes after Question and Answer 41 (English ERN 01141206-01141207).

<sup>309</sup> **Mapping Reports: D1.3.10.14**, DC-Cam Report, Mapping Project: Takeo Province, 11 August 1998; **D6.1.472**, DC-Cam Report, Mapping Project: Takeo Province, 28 September 1995; **D1.3.27.7**, DC-Cam Report, Mapping Project: Khet Battambang, 3 May 1997; **D1.3.10.15**, DC-Cam Report, Mapping Project: Battambang Province, 17 August 1998; **D6.1.1232**, DC-Cam Report, Mapping Project: Khet Takeo, 4 January 1997; **D1.3.10.10**, DC-Cam Report, Mapping Project: Khet Banteay Mancheay, 29 April 1997; **D1.3.27.10**, DC-Cam Report, Mapping Project: Banteay Mancheay, 20 August 1998. **Magazine: D219/844.1.1**, Attachment 1, Searching for truth No. 31, 12 October 2016 (filing date), ERN 00081231-00081233.

<sup>310</sup> See **D261**, *Closing Order (Reasons) in Case 004/1*, 10 July 2017, paras 131-135.



fall under the relevant temporal jurisdiction. I thus find the victim numbers reported in the mapping reports to be unreliable and have consequently not relied on them; the same considerations apply to the DC-Cam magazine report. In calculating the number of victims attributable to **Yim Tith**, I have relied on witnesses who gave evidence to the OCIJ on the numbers and causes of death, and, where appropriate, on the OCIJ S-21 List.<sup>311</sup>

#### 4.5 Victim numbers

131. Each section of the factual findings on crimes in this Closing Order includes, where relevant, an estimate of the number of victims associated with the respective crime site or scenario. It merits some explanation as to the principles and methodology I have employed in arriving at these estimates.
132. In respect of all crime sites or scenarios, I have conservatively adopted the minimum number of victims that can be estimated on the evidence by applying the following principles. While some principles evince a more conservative approach to the assessment of evidence than is required for indictment, I have adopted this approach so as to avoid any risk of double-counting victim numbers. As a result, witness accounts describing victims have been excluded from the total calculations where there is a risk of the same victims being counted twice, or of including victims whose deaths or victimhood cannot reasonably be determined to relate to the temporal scope of the investigation. These conservative exclusions are intended to ensure that the estimations remain at minimum numbers, but also mean that the actual victims numbers are very likely to be much higher than estimated in this Closing Order.

##### 4.5.1 Calculating victim numbers based on evidence provided by a witness

133. Where a witness provides a numerical range for the number of victims (e.g. between 100 and 200), I have taken the lowest number in the range (100), as opposed to calculating the average.
134. In some instances, witnesses describe events as occurring repeatedly, as part of a regular practice, or as part of a process but without specifying the actual number of occurrences of which they were aware. If it is clear from the evidence that the events

<sup>311</sup> See para. 147.





occurred on a regular basis and/or over a longer period of time and hence obviously more than just twice, I have assumed the event to have occurred three times; otherwise, the default count was only twice.

135. Where a witness refers to “*more than half*” of the number of people in a group, I have calculated this as half of the group plus one.
136. I have taken approximations at face value, provided I am satisfied of the witness’ basis of knowledge, as there is no non-arbitrary way to conservatively reduce the estimate. For example, where a witness states “*about 10*”, “*around 10*”, or “*approximately 10*”, then that number has been calculated as 10.
137. Any unspecified reference to “*hundreds*” is calculated as 200, and a reference to “*thousands*” is calculated as 2000.
138. Where a victim is described as having “*disappeared*”, that victim has been included in the calculation of deaths where the evidence supports the inference that the person was killed (e.g. where the disappearance occurred in the context of a mass killing operation and where the person was never seen again after the DK Regime).

#### 4.5.2 Calculating victim numbers based on the evidence of multiple witnesses

139. In respect of calculating total numbers of victims based on the combined evidence of multiple witnesses, only the minimum estimates from each witness are added.
140. Where it is possible that witnesses are describing the same event, I have not added together the numbers provided by multiple witnesses. However, if the evidence indicates that the groups of victims being described are different between each witness, then the numbers have been added.
141. Where multiple witnesses for one event provide conflicting accounts of the number of victims, then the lowest number provided is chosen, unless the figure provided by another witness is more reliable due to, for example, credibility, corroboration, or a stronger basis of knowledge. For example, if two witnesses state that they saw 20 people being killed in one event, but another witness only heard that merely 10 people were killed in that event (hearsay evidence), then the calculation will rely on 20, the number provided by the eye-witnesses.



142. If it cannot be excluded, based on a holistic evaluation of the evidence, that a victim's death occurred outside the timeframe of the allegations in Case 004, that victim has been excluded from the calculations.

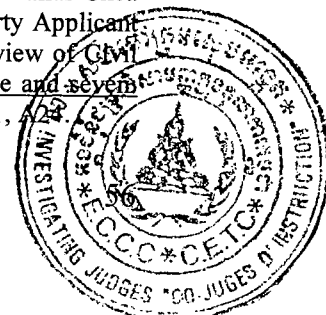
#### 4.5.3 Counting families

143. Some witnesses, particularly those giving evidence about the treatment of the Khmer Krom, describe victim numbers in terms of the number of families, as opposed to or in addition to a number of individuals. While, strictly speaking, the absolute minimum number of people required to constitute a family could be considered to be two persons, the factors I set out below, when considered together, suggest that a reasonable and appropriate minimum estimate of a family is four persons.

144. Almost all witnesses and civil party applicants who give evidence about Khmer Krom family size mention between four and nine persons in a family, either as an average based on a large sample of Khmer Krom families, or providing specific examples of family size; only one mentions that some families consisted of three persons, and he also implies that most families were bigger.<sup>312</sup> It is otherwise clear from the evidence that families with a single child in Cambodia were rare; most witnesses came from families with several children/siblings. To estimate that there were only two members of every family would run counter to the evidence of many witnesses who describe families as being more than two members.

145. Finally, if it were the case that only a few families were victims, then it is possible that they all could have been substantially below the average family size. However, given the high number of families as victims described by witnesses, it is probabilistically impossible that all families would have been uncharacteristically small.

<sup>312</sup> Average family size: D219/408, Written Record of Interview of Witness Sek Chaut, 4 July 2015, ERN 01142869, A26; D118/202, Written Record of Interview of Civil Party Applicant Sarin Prak, 14 March 2014, ERN 00986207, A11; D118/125, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976593, A77-A80, ERN 00976595, A92; D118/175, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981836, A58. Individual family size: D219/781, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348605-01348606, A25-A26, ERN 01348612, A69; D6.1.758, Written Record of Interview of Civil Party Applicant Chab Khuong, 13 September 2009, ERN 00387496; D118/191, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986708-00986709, A2-A10; D219/342, Written Record of Interview of Witness Saeun Thoeun, 27 May 2015, ERN 01116069, A3-A7; D118/215, Written Record of Interview of Civil Party Applicant Chea Aun alias Chea Savy, 2 April 2014, ERN 00985624, A2-A3; D118/226, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055744-01055745, A2-A5; D118/214, Written Record of Interview of Civil Party Applicant Choeng Phy, 2 April 2013, ERN 00985616, A27-A28. Family size between three and seven: D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185741, A27.



146. These considerations lead me to the conclusion that, unless a family size is specified by the witness or civil party applicant, four is the lowest minimum reasonable estimate for the size of families.

#### 4.6 The OCIJ's list of S-21 prisoners

147. The OCIJ's list of S-21 prisoners<sup>313</sup> (the "OCIJ S-21 List") has been relied upon in this case to establish the date of entry into S-21 of individuals transferred thereto; where so determined, the date of execution of individuals detained at S-21; and, the number of persons transferred to and/or executed following detention at S-21. Such reliance is appropriate given the thorough and lengthy analysis and the robust and rigorous methodology employed by the OCIJ analyst in preparing the OCIJ S-21 List.<sup>314</sup> Nonetheless, as is set out below in the factual findings on JCE (see paragraph 286), the OCIJ S-21 List does not provide sufficient data to draw conclusions about the rank or provenance in general of every person transferred to S-21.

#### 4.7 Letters of assurance

148. Letters of assurance were given, pursuant to Internal Rule 28, to witnesses who requested them.<sup>315</sup> Experience has shown that the provision of such assurances did not necessarily render witnesses less reluctant to discuss events, particularly in instances where there were indications that a witness may have been involved in criminal

<sup>313</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222328-01222936.

<sup>314</sup> **D322/8**, *Decision on the International Co-Prosecutor's Request to Place CPK Materials on Case File 004*, 15 December 2016, para. 47; **D219/825.1.1**, Written Record of Investigating Action, 30 June 2016, ERN 01301657-01301658.

<sup>315</sup> See **D117/71/1**, ICIJ's Letter of Assurance to Prak Yuth, 12 June 2013; **D118/170/1**, ICIJ's Letter of Assurance to Sek Sam At (alias Yeay Rim), 27 November 2013; **D118/179/1**, ICIJ's Letter of Assurance to Sou Hoeun, 31 January 2014; **D118/285/1**, ICIJ's Letter of Assurance to Nop Ngim, 21 April 2014; **D119/108/1**, ICIJ's Letter of Assurance to Sok Rom, 19 March 2014; **D119/110.1**, ICIJ's Letter of Assurance to Chum Kan, 26 March 2014; **D119/142/1**, ICIJ's Letter of Assurance to Sem Nuon, 11 August 2014; **D119/65/1**, ICIJ's Letter of Assurance to Tum Soeun, 16 October 2013; **D119/69/1**, ICIJ's Letter of Assurance to Krauch Tim, 3 December 2013; **D119/96/1**, ICIJ's Letter of Assurance to Im Man, 26 February 2014; **D174/2**, ICIJ's Letter of Assurance to Sotr Saing, 14 November 2013; **D219/102/1**, ICIJ's Letter of Assurance to Tum Soeun, 2 December 2014; **D219/103/1**, ICIJ's Letter of Assurance to Sum Sal, 2 December 2014; **D219/188/1**, ICIJ's Letter of Assurance to █████ Khorr █████ Khan, 17 February 2015; **D219/284/1**, ICIJ's Letter of Assurance to Pov Sarom, 8 April 2015; **D219/347/1**, ICIJ's Letter of Assurance to Chhim Phan, 1 June 2015; **D219/397.1**, ICIJ's Letter of Assurance to Bin Sokh, 30 June 2015; **D219/427/1**, ICIJ's Letter of Assurance to Him Huy, 22 July 2015; **D219/442/2**, ICIJ's Letter of Assurance to Chom Vong alias Ngov, 30 September 2015; **D219/497/1**, ICIJ's Letter of Assurance to Suon Lonh, 10 August 2015; **D219/497/2**, ICIJ's Letter of Assurance to Orm Launh alias Suon Lonh, 30 September 2015; **D219/499/1**, ICIJ's Letter of Assurance to Mr. Nhev, 8 September 2015; **D219/518/1**, ICIJ's Letter of Assurance to Sin Sot, 21 September 2015; **D219/626.1**, ICIJ's Letter of Assurance to Muy Sot, 4 December 2015; **D219/672/1**, ICIJ's Letter of Assurance to Kaing Guek Eay alias Duch, 1 February 2016; **D219/870/1**, ICIJ's Letter of Assurance to Ry Nhor, 10 November 2016; **D219/871/1**, ICIJ's Letter of Assurance to Khun Kim alias Pin Pov, 22 November 2016; **D230/1**, ICIJ's Letter of Assurance to Tum Soeun, 4 December 2014.



activity. This was likely due to a desire to maintain ‘face’ and avoid the implication of involvement in crimes committed against fellow Cambodians. Thus, the credibility of certain witnesses has been determined on the substance of their testimony and in accordance with their possible involvement in alleged criminal conduct, notwithstanding that letters of assurance were given.

#### **4.8 Impact of Case 002/2 Trial Chamber Judgement**

149. The Trial Chamber, in its judgement in Case 002/2,<sup>316</sup> made a number of findings in relation to Kraing Ta Chan Security Centre resulting in a degree of incongruence *vis-à-vis* the findings in relation to that site in this Closing Order. Firstly, the CIJs are not bound by a TC judgement’s factual (or legal) findings, especially if it is still under appeal. Secondly, as recognised by the TC itself in Case 002/2, albeit in relation to the proceedings of Case 002/1 and Case 002/2, although there may be partial commonality between evidence in different cases before the ECCC, different conclusions may be reached, including on evidence and matters commonly relevant.<sup>317</sup> The same applies in respect of cases before the CIJs: the findings in this Closing Order are made on my interpretation of the evidence on Case File 004.

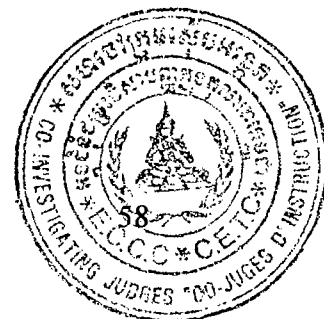
#### **4.9 Attempts to obtain the assistance of Vietnam, Thailand, and the United Nations**

150. Multiple attempts were made to obtain the assistance of Vietnam and Thailand in relation to obtaining documents and accessing contemporary archives of those countries which may have borne evidence relevant to charges in the cases before the ECCC; such attempts ultimately proved fruitless. Similarly, the United Nations declined to provide confidential documents from its archives regarding the negotiations to establish the ECCC.<sup>318</sup>

<sup>316</sup> Case File No. 002-E465, *Case 002/02 Judgement*, 16 November 2018.

<sup>317</sup> Case File No. 002-E465, *Case 002/02 Judgement*, 16 November 2018, para. 36.

<sup>318</sup> Case File No. 003-D267, [Redacted] *Closing Order*, 28 November 2018, para. 148.



## 5 FACTUAL ANALYSIS AND FINDINGS

### 5.1 Administrative structure

151. **Yim Tith**'s activities relevant to this Closing Order spanned two Zones, the Southwest and the Northwest Zones. All Zones, including the autonomous zones, were under the direct supervision of the Central Committee of the Communist Party of Kampuchea ("CPK" or "Party") (also known as Committee 870),<sup>319</sup> which consisted of Pol Pot, Nuon Chea, Ieng Sary and other senior leaders.<sup>320</sup>

#### 5.1.1 National

152. Democratic Kampuchea ("DK") was governed through a hierarchical administrative structure, with the Central Committee serving as the "*highest operational unit throughout the country*".<sup>321</sup> It consisted of members of the Standing Committee and Zone Secretaries as non-permanent members.<sup>322</sup> Although under the CPK Statute the Central Committee exercised operational authority over DK, *de facto* control was exercised by an extra-statutory body known as the Standing Committee drawn from the Central Committee.<sup>323</sup>

153. The Central Committee and Standing Committee were responsible for formulating policies and instructions and disseminating them to the Zone and Autonomous Sector Secretaries, who in turn would forward them to the sector and district level secretaries

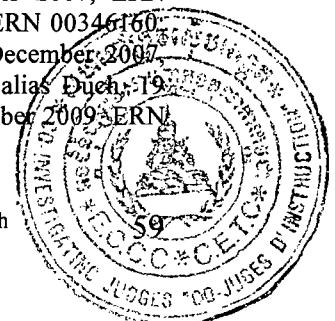
<sup>319</sup> **D6.1.503**, Written Record of Interview of Witness Norng Sophang/Norng Sengchim, 28 March 2009, ERN 00483968.

<sup>320</sup> **D6.1.503**, Written Record of Interview of Witness Norng Sophang/Norng Sengchim, 28 March 2009, ERN 00483968.

<sup>321</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184038, Article 7(1); **D1.3.20.2**, Constitution of Democratic Kampuchea, 1975, ERN 00184834, Article 1.

<sup>322</sup> **D179/1.2.11**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 27 March 2012, ERN 00795639, ERN 00795652-00795653; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796336, lines 1-11; **D6.1.379**, Written Record of Interview of Witness Ke Pich Vannak, 4 June 2009, ERN 00346160. *See also* **D219/702.1.137**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 9 June 2009, ERN 00339336-00339337.

<sup>323</sup> **D179/1.2.34**, Transcript of Hearing on the Substance in Case 002 [David Chandler], 24 July 2012, ERN 00828843, lines 5-6; **D179/1.2.11**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 27 March 2012, ERN 00795639-00795640; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796343, line 16; **D219/702.1.137**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 9 June 2009, ERN 00339336-00339337; **D1.3.36.1**, Written Record of Interview of Charged Person Khieu Samphan, 13 December 2007, ERN 00156750; **D6.1.379**, Written Record of Interview of Witness Ke Pich Vannak, 4 June 2009, ERN 00346160; **D6.1.1051**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 4 December 2007, ERN 00154910; **D6.1.91**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 19 November 2008, ERN 00242874; **D118/103.3**, Accused's Final Written Submission, 25 November 2009, ERN 00412107, para.56.



for implementation.<sup>324</sup> The implementation of instructions would then be reported back up the chain of command to the two Committees (“the Centre”).<sup>325</sup>

154. In 1975, the CPK subdivided the country into six administrative zones which directly reported to the Centre, i.e. the North Zone, Northwest Zone, Northeast Zone, Southwest Zone, West Zone, and East Zone.<sup>326</sup> In late 1976 or 1977, the North Zone was dissolved, and the Central Zone and the New North Zone established.<sup>327</sup>
155. In addition to the zones, the CPK created a number of “*autonomous sectors*” which reported directly to the Centre, bypassing the zone level, i.e., Autonomous Sector 103 (Preah Vihear), Autonomous Sector 105 (Mondulkiri), Autonomous Sector 106 (Siem Reap), Autonomous Sector 505 (Kratie) and the Kampong Som Autonomous City.<sup>328</sup>
156. The zones were divided into 32 sectors, each made up of districts which were in turn divided into communes; the lowest administrative units were villages and

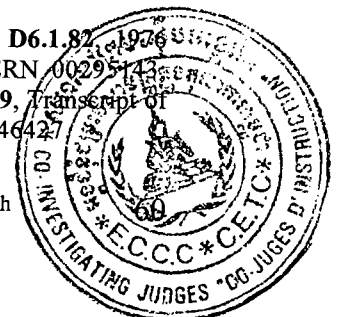
<sup>324</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184037, Articles 6(4)-6(5), ERN 00184041, Article 12(2), ERN 00184042, Article 15(2), ERN 00184043, Article 18(2), ERN 00184045, Articles 23(1)-23(3); **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796343-00796344; **D179/1.2.24**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 6 June 2012, ERN 00815485, lines 6-10. *See also* **D267.1.80**, Transcript of Hearing on the Substance in Case 002 [Pech Chim], 1 July 2013, ERN 00934979-00934982; **D6.1.989**, Written Record of Interview of Witness Meas Vooun, 3 March 2010, ERN 00491656, A14-A15; **D6.1.697**, Written Record of Interview of Witness Suon Kanil, 18 August 2009, ERN 00384429; **D219/442**, Written Record of Interview of Witness Chom Vong, 3 August 2015, ERN 01434520, A2, ERN 01434524, A29.

<sup>325</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184037, Article 6(5), ERN 00184040, Article 10(2)(B), ERN 00184042, Article 13(4), ERN 00184043, Article 16(4), ERN 00184044, Article 19(4); **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796339-00796340, ERN 00796342; **D179/1.2.24**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 6 June 2012, ERN 00815438, lines 9-16, ERN 00815435, lines 6-15.

<sup>326</sup> **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, ERN 00814510-00814511; **D6.1.82**, 1976 Colour map of Democratic Kampuchea showing zones as they stood at that time, 1976, ERN 00295143; **D1.3.27.1**, DK Government Map of Democratic Kampuchea, 1976, ERN 01577214.

<sup>327</sup> **D6.1.724**, Written Record of Interview of Prum Sou, ERN 00422380, A6, ERN 00422382, A15; **D118/103.3**, Accused's Final Written Submission, 23 November 2009, ERN 004120104; **D6.1.697**, Written Record of Interview of Witness Suon Kanil, 18 August 2009, ERN 00384426; **D6.1.736**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 11 November 2009, ERN 00403922; **D6.1.729**, Written Record of Interview of Witness Seng Kimoeun, 17 December 2009, ERN 00421613, A1; **D219/486.1.1**, Transcript of Hearing on the Substance in Case 002 [Suon Kanil], 14 December 2012, ERN 00872199-00872200; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796334, lines 11-14, lines 24-25. *See also* **D1.3.16.1**, Biography of Ke Pauk entitled “Ke Pauk Had Defended Himself Before He Died”, 20 November 2008, ERN 00089714; **D179/1.2.38**, Transcript of Hearing on the Substance in Case 002 [Norng Sophang], 4 September 2012, ERN 00846220, lines 3-5; **D219/847.1**, Attachment 1: Transcript of Ao An, 1 August 2011, ERN 01373572.

<sup>328</sup> **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, ERN 00814511; **D6.1.82**, 1976 Colour map of Democratic Kampuchea showing zones as they stood at that time, 1976, ERN 00295143; **D1.3.27.1**, DK Government Map of Democratic Kampuchea, 1976, ERN 01577214; **D179/1.2.39**, Transcript of Hearing on the Substance in Case 002 [Norng Sophang], 5 September 2012, ERN 00846426-00846427.



cooperatives.<sup>329</sup> Each administrative tier from commune level upwards was governed by a committee consisting of a Secretary, Deputy Secretary and at least one Member.<sup>330</sup> The Committee Secretary was the most senior cadre in the respective administrative tier and was usually also a member of the committee of the administrative tier immediately above.<sup>331</sup>

157. The CPK armed forces were divided into the regular army, sector army, and militias.<sup>332</sup> Each zone committee had under its direct authority at least one division of the regular army, responsible for defence and security in the Zone.<sup>333</sup> Each division consisted of three regiments, and each regiment in turn of three battalions, further divided into companies, platoons, and squads.<sup>334</sup>

<sup>329</sup> **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, ERN 00814510-00814511, ERN 00814564; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796336-00796337; **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184038, Article 7.

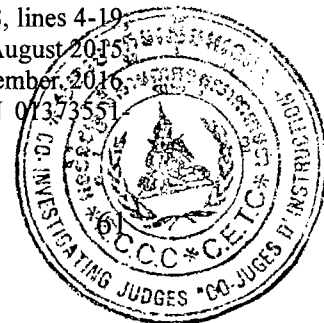
<sup>330</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184038, Article 7; **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, ERN 00814512, ERN 00814568; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796335-00796338; **D179/1.2.10**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 26 March 2012, ERN 00795131, lines 5-16; **D179/1.2.24**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 6 June 2012, ERN 00815437-00815438, ERN 00815470, lines 9-15, ERN 00815485, lines 2-4; **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184038, Article 7. *See also* **D6.1.707**, Written Record of Interview of Witness Suon Kanil, 19 August 2009, ERN 00390076; **D6.1.989**, Written Record of Interview of Witness Meas Voeun, 3 March 2010, ERN 00491657, A2; **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379303.

<sup>331</sup> **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379303; **D179/1.2.24**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 6 June 2012, ERN 00815436-00815437; **D6.1.980**, Written Record of Interview of Witness Saray Hean, 10 March 2010, ERN 00491734, A1, ERN 00491735, A5.

<sup>332</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184046, Article 27; **D1.3.20.2**, Constitution of Democratic Kampuchea, 1975, ERN 00184837, Article 19; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796351, lines 15-25.

<sup>333</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184028, Article 1, ERN 00184038, Article 7(2), ERN 00184044, Article 19(1)-Article 19(2), Article 19(4); **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406692, lines 11-13; **D219/702.1.148**, Written Record of Interview of Witness Suos Siyat, 17 January 2008, ERN 00204707; **D6.1.751**, The Revolutionary Flag, 1 June 1976, ERN 00233951; **D6.1.734**, Written Record of Interview of Witness Sokh Chhien, 19 August 2009, ERN 00374947.

<sup>334</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, ERN 00184028, Article 1; **D219/702.1.112**, Transcript of Hearing on the Substance in Case 001 [Bou Thon], 12 August 2009, ERN 00364361, lines 9-11; **D179/1.2.43**, Transcript of Hearing on the Substance in Case 002 [Meas Voeun], 8 October 2012, ERN 00855098, lines 4-19, line 24, ERN 00855099, lines 3-5; **D219/461**, Written Record of Interview of Witness Pen Thol, 8 August 2015, ERN 01151227, A4; **D219/876**, Written Record of Interview of Witness Chhean Heang, 30 November 2016, ERN 01362674, A15; **D219/847.1**, Attachment 1: Transcript of Ao An, 17 October 2016, ERN 01373551, 01373552.



158. Ta Mok held several senior positions in DK including member of the Standing Committee as well as Secretary of the Southwest Zone, Secretary of the Northwest Zone, and Secretary of the West Zone.<sup>335</sup>

### 5.1.2 Southwest Zone

159. The Southwest Zone was located to the north of National Road 4<sup>336</sup> and consisted of Sectors 13, 25, 33, and 35.<sup>337</sup> The Zone Office was near Ta Mok's house in Takeo town.<sup>338</sup>

#### 5.1.2.1 Sector 13

160. Sector 13, situated in Takeo Province,<sup>339</sup> consisted of five districts: Tram Kak (District 105), Angkor Chey (District 106), Treang (District 107), Koh Andet (District 108) and Kirivong (District 109).<sup>340</sup> The Sector Office was located in Takeo town near Ta Mok's house and the Zone Office.<sup>341</sup> The Sector Secretary resided there.<sup>342</sup>

<sup>335</sup> **D1.3.29.4**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 7 August 2007, ERN 00147521; **D6.1.874**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 27 November 2009, ERN 00407677, lines 7-9; **D179/1.2.14**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 2 April 2012, ERN 00797307, lines 12-20; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796336, lines 7-9; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406699, lines 17-24, ERN 00406701-00406702, ERN 00406716, lines 9-14, ERN 00406733, lines 16-17, ERN 00406737-00406738; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975009, A18, ERN 00975011, A35, A37, ERN 00975012, A45, ERN 00975013, A47; **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979095, A12; **D6.1.882**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 04 June 1999, ERN 00326762; **D267.1.72**, I Only Want Justice, in DC-Cam magazine Searching For The Truth, August 2000, ERN 00204274-00204275.

<sup>336</sup> **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406691, lines 23-24.

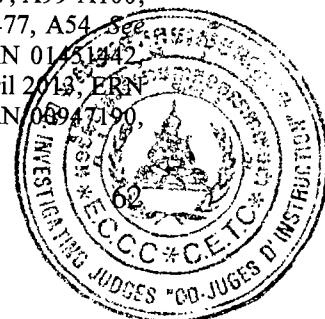
<sup>337</sup> **D219/899.1.4**, Transcript of Hearing on the Substance in Case 002/02 [2-TCW-1005], 26 July 2016, ERN 01346481, lines 8-10; **D347/2.1.55**, Khmer Rouge Zone Map, 31 May 2017 (filing date), ERN 01485877; **D1.3.27.1**, DK Government Map of Democratic Kampuchea, 6 July 2018 (filing date), ERN 01577214.

<sup>338</sup> **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979094, A9; **D118/152**, Written Record of Interview of Witness Pok Touch, 25 November 2013, ERN 00979111, A84.

<sup>339</sup> **D118/152**, Written Record of Interview of Witness Pok Touch, 25 November 2013, ERN 00979103, A19.

<sup>340</sup> **D6.1.786**, Written Record of Interview of Witness Iem Duch, 1 November 2007, ERN 00223513.

<sup>341</sup> **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057687, A64-A66; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000683, A131-A136; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170595, A117, A119; **D119/84**, Written Record of Interview of Witness Moeng Vet, 11 February 2014, ERN 00982703, A18; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087487, A11; **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375345, A96-A97, A99-A100; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045477, A54; **D219/922**, Written Record of Interview of Witness Chhoem Nham, 15 February 2017, ERN 01000670, A36; **D118/34**, Written Record of Interview of Witness Nut Nov, 11 April 2013, ERN 00911439, A1; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190.





### 5.1.3 Northwest Zone

161. The Northwest Zone consisted of 7 Sectors.<sup>343</sup> Its office was in Battambang Town,<sup>344</sup> and it consisted of Pursat and Battambang Provinces. Battambang Province then consisted of what are now Pailin and Banteay Meanchey Provinces.<sup>345</sup>

#### 5.1.3.1 Sector 1

162. Sector 1 consisted of Koas Krala District,<sup>346</sup> Sangkae (now Banan) District,<sup>347</sup> and Samlaut District.<sup>348</sup> For at least a certain period between mid-1977 and mid-1978, the Sector Office was located at Kang Hort Dam or Tuol Andaet.<sup>349</sup>

#### 5.1.3.2 Sector 2

163. Sector 2 was located in Pursat Province.<sup>350</sup> It covered the area south of National Road 5,<sup>351</sup> and included Phnom Kravanh and Bakan Leu (Upper Bakan) Districts.<sup>352</sup> Bakan

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A18. *Contra* **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979094, A10; **D119/104**, Written Record of Interview of Mut Mao, 11 March 2014, ERN 00983619, A18.

<sup>342</sup> **D119/84**, Written Record of Interview of Witness Moeng Vet, 11 February 2014, ERN 00982703, A17-A18; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087487, A11; **D119/104**, Written Record of Interview of Witness Mut Mao, 11 March 2014, ERN 00983619, A18; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170595, A117, A119.

<sup>343</sup> **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974015, A15.

<sup>344</sup> **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974024, A47.

<sup>345</sup> **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406738, lines 1-2.

<sup>346</sup> **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912315, A5; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111806, A2.

<sup>347</sup> **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151248, A24; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974993-00974994, A3-A5; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1.

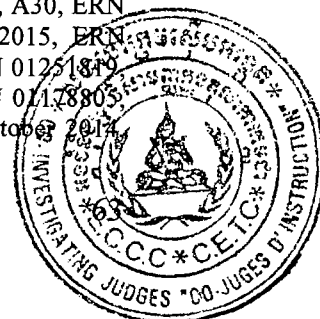
<sup>348</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111859, A6; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636, A2.

<sup>349</sup> See *Kang Hort Dam Worksite*, para. 657.

<sup>350</sup> **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251819, A7.

<sup>351</sup> **D118/227**, Written Record of Interview of Civil Party Applicant Chea Heng, 23 April 2014, ERN 01056747, A30; **D219/276**, Written Record of Interview of Witness Nhoem Nguy, 21 April 2015, ERN 01098502, A28; **D118/229**, Written Record of Interview of Witness Kuoy Bunthoeurn, 24 April 2014, ERN 01055768, A21. See also **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117687, A60-A61; **D219/737**, Written Record of Interview of Witness Dim Kimheat, 30 March 2016, ERN 01300128, A16. *Contra* **D219/586**, Written Record of Interview of Witness Khun Mom, 3 November 2015, ERN 01178710, A93; **D219/66**, Written Record of Interview of Witness Kung Chhom, 14 November 2014, ERN 01053983, A35.

<sup>352</sup> **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412157, A1; **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079894, A138; **D219/187**, Written Record of Interview of Witness [REDACTED] Khorn, 16 February 2015, ERN 01104747, A30, ERN 01104748, A41; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088589, A191; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251819, A7-A8; **D219/590**, Written Record of Interview of Witness Long Khlorok, 6 November 2015, ERN 01178805, A58-A59; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01178805, A58-A59.



Krom (also known as Kdat District, Preah Mlu District, and District 21<sup>353</sup>) was initially in Sector 7 but, soon after the arrival of new leadership in the area between late 1977 and mid-1978, was merged with Bakan Leu to form a single Bakan District under the administration of Sector 2.<sup>354</sup> The evidence regarding the location of the Sector 2 Office is inconclusive.

### 5.1.3.3 Sector 3

164. Sector 3 comprised Phnom Sampeou,<sup>355</sup> Mongkul Borei,<sup>356</sup> Ampil,<sup>357</sup> Bavel (also called District 70),<sup>358</sup> Paoy Pet,<sup>359</sup> and Thma Koul Districts,<sup>360</sup> although the evidence indicates

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ERN 01040562, A46. Cf. **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031784, A30.

<sup>353</sup> Kdat District: **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092963, A14-A16; **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981976, A27. District 21: **D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974301-00974302, A9, A12. Preah Mlu District: **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079894, A138, ERN 01079901, A190.

<sup>354</sup> **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088595, A22-A23, A30, ERN 01088596-01088597, A36, A40-A42, A45, ERN 01088598, A53-A54; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047775, A53, ERN 01047776-01047777, A62-A67, ERN 01047788, A153; **D219/590**, Written Record of Interview of Witness Long Khlor, 6 November 2015, ERN 01178802-01178803, A37-A40, ERN 01178805-01178806, A58-A60, A67; **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092963-01092964, A19-A21, ERN 01092965, A38; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047747, A56, ERN 01047755, A112. See also **D6.1.616**, SOAS/HRW Interview of Uk Seuam alias San Seuam, 14 October 2005, ERN 00352106; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567, A99; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185830-01185831, A36-A40. Cf. **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364077-01364079, A44, A59-A61; **D219/586**, Written Record of Interview of Witness Khun Mom, 3 November 2015, ERN 01178709, A87-A88, ERN 01178710, A93-A96, ERN 01178713-01178714, A116-A122.

<sup>355</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976957-00976958, A2; **D118/64**, Written Record of Interview of Witness Pol Seun, 26 May 2013, ERN 00950698, A4; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315904; **D118/76**, Written Record of Interview of Witness Chuch Ponlork, 21 June 2013, ERN 00976625, A8.

<sup>356</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978773, A32; **D219/489**, Written Record of Interview of Witness Nhem Phum, 3 September 2015, ERN 01152355, A153-A154; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111843, A157.

<sup>357</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222338, n. 214, ERN 01222368, n. 897, ERN 01222404, n. 1722, ERN 01222452, n. 3215, ERN 01222646, n. 7903, ERN 01222701, n. 9087.

<sup>358</sup> **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974025, A53; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207437, A45; **D219/900**, Written Record of Interview of Witness Muol En, 18 January 2017, ERN 01517482, A111; **D219/626**, Written Record of Interview of Witness Chheng Chhin, 19 December 2015, ERN 01191084, A12-A14; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976957-00976958, A2.

<sup>359</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222520, n. 4825, ERN 01222610, n. 7136, ERN 01222658, n. 8168, ERN 01222680, n. 8648.

<sup>360</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978773, ERN 00978772-00978773, A31-A32; **D219/613**, Written Record of Interview of Witness Vorng Seton, 20 December 2015, ERN 01185859, A50; **D219/930**, Written Record of Interview of Witness Em Lay, 20 February 2016, ERN 01222681, A15.



that the boundaries changed during DK, with parts of Thma Koul, Bavel and Mongkul Borei Districts incorporated into and/or ceded from Sectors 4 and/or 5.<sup>361</sup> The evidence regarding the location of the Sector 3 Office is inconclusive.<sup>362</sup>

#### 5.1.3.4 Sector 4

165. The eastern border of Sector 4 was adjacent to the western shore of the Tonle Sap Lake. The sector's western border was demarcated by a railway line in Battambang Province that roughly followed National Road 5.<sup>363</sup>
166. Sector 4 comprised Bak Prea District (also called District 41), Daun Try/Tri District (also called District 42, Moug Ruessei District, and Moug District), and Doun Teav District (also called District 43 and Preaek Khpok District).<sup>364</sup> Under current

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2017, ERN 01492913, A29-A30; **D219/421**, Written Record of Interview of Witness Tea Nguon, 21 July 2015, ERN 01135111, A23.

<sup>361</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978768, A4, ERN 00978772-00978773, A31-A32; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111836, A97, ERN 01111843, A157; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517482-01517483, A111-A114.

<sup>362</sup> **D219/930**, Written Record of Interview of Witness Em Lay, 20 February 2017, ERN 01492913, A29-A30; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974025, A53; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111832, A54.

<sup>363</sup> **D219/404**, Written Record of Interview of Witness Hoeng Sambo, 9 July 2015, ERN 01147868-01147869, A4, A9; **D219/830**, Written Record of Interview of Witness Seng Reut, 9 September 2016, ERN 01390108, A62; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7, ERN 01135140, A13; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132652, A4; **D105/4**, Written Record of Interview of Witness Huy Krim, 16 February 2012, ERN 00787164, A7-A8; **D219/66**, Written Record of Interview of Witness Kung Chhom, 14 November 2014, ERN 01053983, A35; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493017, A31-A32; **D118/8**, Written Record of Interview of Witness Srey Vuth, 16 January 2013, ERN 00935600, A2. *See also* **D219/453**, Written Record of Interview of Witness Yat Yoeun, 10 August 2015, ERN 01151139, A3.

<sup>364</sup> **Bak Prea District**: **D219/719**, Written Record of Interview of Witness Roerng Mean, 23 February 2016, ERN 01216023, A4; **D219/499**, Written Record of Interview of Witness Orn Nhev, 10 September 2015, ERN 01156197, A1; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654, A11; **D1.3.27.2**, CPK Report entitled "Report from Sector 4", 28 May 1977, ERN 00183603; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222855, n. 12854. **Daun Try/Tri District**: **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412157, A1; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/545**, Written Record of Interview of Witness Phar Pet, 4 October 2015, ERN 01178530, A17; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18; **D118/228**, Written Record of Interview of Civil Party Applicant Meng Chhon, 24 April 2014, ERN 01056764, A57. **Doun Teav District**: **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D1.3.27.2**, CPK Report entitled "Report from Sector 4", 28 May 1977, ERN 00183603; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222398, n. 1558. *See also* **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147938, A22; **D219/699**, Written Record of Interview of Witness Choeunrm Veun, 26 February 2016, ERN 01213457, A30; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493017, A30-A32; **D219/394**, Written Record of Interview of Witness Riem Dy, 24 June 2015, ERN 01130587, A2; **D6.1.557**, DK Telegram from Chann to Duch, 8 October 2007.



administration, this geographical area would cover parts of modern-day Sangkae District, Moug Ruessei District and Ek Phnom District.<sup>365</sup> The difference in names has resulted in some witnesses using the name of the current Sangkae District when they are likely referring to an area that was located during DK in Bak Prea District.<sup>366</sup>

167. The original location of the Sector 4 Office was in Ta Pon Village, Ta Pon Commune, Bak Prea District.<sup>367</sup> It was moved “*after 1975*” to Anlong Vil Village, Anlong Vil Commune, Bak Prea District.<sup>368</sup>

#### 5.1.3.5 Sector 7

168. Sector 7 covered an area in Pursat Province bordered by National Road 5 to the south and the Tonle Sap Lake to the north. The sector covered parts of Bakan, Krakor, and Kandieng Districts.<sup>369</sup> Kandieng District was also called District 22 and Krakor District was also called District 23.<sup>370</sup> As noted above, between late 1977 and mid-1978, Bakan

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ERN 00143349. *Contra* D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135140, A12.

<sup>365</sup> D118/102, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974017, A27; D219/392, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18; D219/719, Written Record of Interview of Witness Roerung Mean, 23 February 2016, ERN 01216023, A4; D219/891, Written Record of Interview of Witness Thun Sovat alias Ve, 11 January 2017, ERN 01421331, A18.

<sup>366</sup> See e.g. D219/392, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18; D219/719, Written Record of Interview of Witness Roerung Mean, 23 February 2016, ERN 01216023, A4; D219/564, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180945, A50; D219/718, Written Record of Interview of Witness Heng Leap, 22 February 2016, ERN 01219973, A47; D219/683, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213401, A28; D219/891, Written Record of Interview of Witness Thun Sovat alias Ve, 11 January 2017, ERN 01421331, A18.

<sup>367</sup> D118/96, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974061, A40. See also D118/106, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978425, A45.

<sup>368</sup> D118/106, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978425, A45; D219/392, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130623, A35; D118/102, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974025, A54; D118/95, Written Record of Interview of Witness Samey Saveng, 3 September 2013, ERN 00970466, A7; D219/394, Written Record of Interview of Witness Riem Dy, 24 June 2015, ERN 01130587, A2; D219/445, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147934, A2.

<sup>369</sup> D118/278, Written Record of Witness Interview Nam Im, 21 July 2014, ERN 01031784-01031785, A33; D118/15, Site Identification Report, 24 January 2013 ERN 00882970; D219/277, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098511, A23-A24; D118/122, Written Record of Interview of Civil Party Applicant Thoek Bun Roen, 8 October 2013, ERN 00975862, A12; D219/222, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088589-01088590, A191-A192, A195-A197; D219/276, Written Record of Interview of Witness Nhoem Nguy, 21 April 2015, ERN 01098502, A28; D6.1.685, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412157, A1; D134/3, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974284, A33, ERN 00974287, A53.

<sup>370</sup> D134/5, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974302, A9, A12. See also D134/3, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974284, A33, ERN 00974287, A53; D219/193, Written Record of Interview of Witness Yon Phat, 23 February 2015, ERN 01079894, A138.



Krom in Sector 7 was merged into one Bakan District under the administration of Sector 2. The Sector 7 Office was located in Chrabveal Village, Kandieng District.<sup>371</sup>

#### 5.1.4 Statutory powers of Zones, Sectors, and Districts in DK

169. The constitutional framework of DK is set forth in the CPK Statute, which specifies the roles, powers, and prerogatives of DK's political bodies and administrative levels.<sup>372</sup>
170. The zones were the administrative levels below the centre level,<sup>373</sup> and were controlled by a zone committee.<sup>374</sup> Zone committee members had a statutory duty to “go down close” to the sectors, districts, and branches in order to “lead the implementation of tasks”; to “constantly and tightly grasp the popular masses” by arming them “politically, ideologically, and organisationally”.<sup>375</sup>
171. While the CPK Statute does not further elaborate on the composition of zone committees, former chief of S-21, Kaing Guek Eav alias Duch (“Duch”), explains that the zone was governed by a three-person committee, consisting of a secretary, a deputy usually responsible for security, and a member usually responsible for economics.<sup>376</sup> Zone secretaries had the authority to appoint and remove other zone committee members, with the approval of the Central Committee.<sup>377</sup> Furthermore, zone committees were responsible for approving and authorising sector secretaries to appoint and demote members on the sector committee.<sup>378</sup>
172. The zone committee was responsible for managing the property of the zone according to the CPK Statute,<sup>379</sup> which meant that in practice, all property, including worksites

<sup>371</sup> **D118/102**, Written Record of Witness Interview Toit Thoeurn, 10 September 2013, ERN 00974026, A57.

<sup>372</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184022-00184047.

<sup>373</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184038, Article 7(1)-(2), ERN 00184043, Article 18(3), ERN 00184044, Article 19(4).

<sup>374</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043-00184044, Article 19.

<sup>375</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184039-00184040, Articles 9-11, ERN 00184043-00184044, Article 19(1)-(3).

<sup>376</sup> **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328517-003285182; **D6.1.533**, Written Record of Analysis by Craig C. Etcheson, Investigator of the Office of the Co-Prosecutors, 18 July 2007, ERN 00146823.

<sup>377</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043, Article 18(3); **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328518 lines 4-6.

<sup>378</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042, Article 15(3); **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328519 lines 5-9 lines 18-22; **D6.1.533**, Written Record of Analysis by Craig C. Etcheson, Investigator of the Office of the Prosecutors, 18 July 2007, ERN 00146836.

<sup>379</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 19(4).



and roads, was under the effective control of the zone,<sup>380</sup> and its committee was consequently responsible for visiting such worksites,<sup>381</sup> as well as the monitoring and authorising of transfers and movements of people and logistics within the zone.<sup>382</sup>

173. The zone committee was also responsible for the administering of discipline within the zone.<sup>383</sup> Whilst the CPK Statute does not define what is meant by discipline, in practice “discipline” was synonymous with “punishment”, and thus “administer discipline” involved carrying out punishment.<sup>384</sup>
174. In addition, the zone committee was responsible for “maintaining a system of reporting to the Central Committee on the situation and the work of the Zone”.<sup>385</sup> In practice, this included sending and receiving reports from the centre,<sup>386</sup> attending training sessions

<sup>380</sup> **D179/1.2.11**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 27 March 2012, ERN 00795623, lines 11-18.

<sup>381</sup> **D6.1.437**, Written Record of Interview of Witness Ke Un, 13 January 2009, ERN 00283343; **D6.1.427**, Written Record of Interview of Witness Liv Peou, 19 December 2008, ERN 00277828.

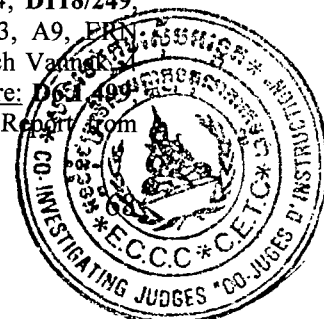
<sup>382</sup> **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079879, A42-A43, ERN 01079880, A48, ERN 01079881, A53; **D6.1.364**, Written Record of Interview of Witness Chhoeun Sem, 21 April 2009, ERN 00338377-00338378; **D219/702.1.5**, Transcript of Hearing on the Substance in Case 002 [Khiev Neou], 21 June 2012, ERN 00820858-00820859; **D6.1.697**, Written Record of Interview of Witness Suon Kanil, 18 August 2009, ERN 00384430; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178563, A84; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967027, A11. See also **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132663, A8; **D219/427**, Written Record of Interview of Witness Him Houy, 22 July 2015, ERN 01135185, A57; **D219/666**, Written Record of Interview of Witness Yang Sariieb, 27 January 2016, ERN 01204297, A83; **D219/22**, Written Record of Interview of Witness Ork Chhoeun, 2 October 2014, ERN 01050501, A54; **D219/285**, Written Record of Interview of Witness Ho Hoeun, 21 April 2015, ERN 01116056, A2; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067757, A244; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056845, A30; **D6.1.156**, Written Record of Interview of Witness Tann Saroeun, 3 June 2008, ERN 00225531; **D219/702.1.45**, Request to send a letter by Khieu Samphan, 30 December 2007, ERN 00170882; **D219/702.1.38**, Khieu Samphan, “Open letter to all compatriots,” 20 August 2001, ERN 00149526; **D219/702.1.70**, Transcript of Hearing on the Substance in Case 002 [Yun Kim], 20 June 2012, ERN 00820129; **D219/370.1.4**, Airgram entitled “Life inside Cambodia”, 31 March 1976, ERN 00443072; **D179/1.2.18**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 9 April 2012, ERN 00800437; **D118/48**, Written Record of Interview of Witness Heng Prel, 25 April 2013, ERN 00938189, A8; **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053931, A74; **D119/52**, Written Record of Interview of Witness Mom Chhouk, 17 June 2013, ERN 00966764, A30; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057796, A16; **D6.1.1059**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 1 April 2008, ERN 00177635; **D179/1.2.17**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 5 April 2012, ERN 00799839, lines 17-22. Zone Committees were responsible for monitoring the movements of evacuated persons from other Zones within their Zone: **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491350, A5.

<sup>383</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 19(4).

<sup>384</sup> **D6.1.1073**, Answers of Duch to the 13 written questions of the CIJ, 22 October 2008, ERN 00251374.

<sup>385</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 19(4).

<sup>386</sup> **D6.1.514**, Written Record of Interview of Witness Sao Sarun, 29 June 2009, ERN 00350264; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034083, A9, ERN 01034084, A12, ERN 01034085, A16; **D6.1.379**, Written Record of Interview of Witness Ke Pich Vannak, 2 June 2009, ERN 00346156. Contemporaneous Telegram Reports sent from the Zone to the Centre: **D6.1.409**, Report from DK Telegram entitled “Telegram 324”, 10 April 1978, ERN 00340539-00340542; **D1.3.34.2**, Report from



with *Angkar* in Phnom Penh;<sup>387</sup> and receiving centre committee members within the zone.<sup>388</sup>

175. In turn, zone committees were responsible for receiving reports about the situation and work of the sectors,<sup>389</sup> and required to hold zone conferences once a year,<sup>390</sup> and ordinary meetings every three months.<sup>391</sup>
176. As to military issues, under the CPK Statute, the RAK was under the direct command of the Central Committee.<sup>392</sup> That being said, the zone committee was also responsible

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Southwest Zone office to Angkar re Defense and Economics Situation in Zone, 3 June 1977, ERN 00185243-00185246; **D6.1.1230**, To Respected Angkar: about defending the enemy, 16 May 1978, ERN 00321961-00321963; **D1.3.27.3**, DK Government Report by Mo-560 on the Situation in the Northwest Zone, 29 May 1977, ERN 00183010-00183018; **D219/702.1.65**, Telegram no 53: To beloved and missed chief of 870, 23 August 1977, ERN 00143572-00143574; **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289921-00289924; **D219/370.1.13**, To respected Angkar from M401, 4 August 1978, ERN 00143618-00143630; **D6.1.966**, Report of M560 re Northwest Zone, 24 May 1977, ERN 00583917-00583921; **D1.3.30.19**, Report by Nhim to Angkar 870, 11 May 1978, ERN 00185215-00185218; **D1.3.27.4**, Report from Northwest Zone Secretary Nhim to Angkar 870, 17 May 1978, ERN 00183653-00183656; **D219/702.1.62**, Telegram 60: To Beloved and Missed Chief of 870 about a number of all section's situation, 5 September 1977, ERN 00517923-00517925; **D1.3.27.3**, DK-Government Report by Mo-560 on the Situation in the Northwest Zone, 29 May 1977, ERN 00183010-00183018; **D6.1.60**, Telegram no 32 sent to Office 870, 15 August 1977, ERN 00335206; **D219/702.1.3**, To beloved and missed Office 870, 26 November 1976, ERN 00506647. The Zone Committees would receive communications directly from the Central Committee: **D6.1.1085**, Written Record of Interview of Witness Tha Sot, 19 January 2008, ERN 00226112.

<sup>387</sup> **D6.1.677**, Written Record of Interview of Witness Duk Suo, 10 November 2009, ERN 00404729, A58; **D6.1.389**, Written Record of Interview of Witness Khiev Noeu, 23 July 2009, ERN 00358142; **D6.1.141**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278695-00278696; **D6.1.501**, Written Record of Interview of Witness Phan Sovanhan, 11 March 2009, ERN 00295162-00295163; **D6.1.637**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 22 October 2009, ERN 00398230; **D6.1.736**, Written Record of Interview of Duch by CIJ, 11 November 2009, ERN 00403919; **D6.1.1051**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 4 December 2007, ERN 00154910; **D6.1.1070**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 2 June 2008, ERN 00195576; **D6.1.661**, Written Record of Interview of Witness Sao Sarun, 20 October 2009, ERN 00403024-00403025; **D6.1.1076**, Written Record of Interview of Witness Sao Run, 11 December 2007, ERN 00231697; **D6.1.674**, Written Record of Interview of Witness Chaom Se, 8 November 2009, ERN 00406222-00406223, A3. 'Angkar' was a term used to denote the highest levels of the CPK, however it was also used by the general population to refer to the CPK more broadly: **D6.1.1070**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 2 June 2008, ERN 00195574; **D6.1.863**, Transcript of Hearing on the Substance of Case 001 [Kaing Guek Eav alias Duch], 18 May 2009, ERN 00328460-00328461; **D6.1.1067**, Written Record of Interview of Duch by CIJ, 2 October 2007, ERN 00147602; **D179/1.2.13**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 29 March 2012, ERN 00796899, lines 2-25.

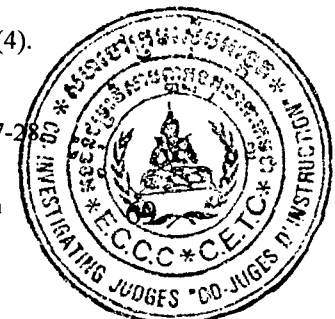
<sup>388</sup> **D34.1.11**, Foreign Broadcast Information (FBIS) Collection of December 1977, Phnom Penh Domestic Service Broadcast, 1 December 1977, ERN 00168335; **D6.1.1070**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 2 June 2008, ERN 00195576; **D6.1.438**, Written Record of Interview of Witness Ov Yae, 13 January 2009, ERN 00282818; **D6.1.1081**, Written Record of Interview of Witness Seng Lytheng, 4 December 2007, ERN 00223564; **D6.1.385**, Written Record of Interview of Witness Sou Soeun, 5 July 2009, ERN 00360116-00360117.

<sup>389</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043, Article 16(4).

<sup>390</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043, Article 18.

<sup>391</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 20.

<sup>392</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184046, Articles 27-28.



for “lead[ing] the implementation of tasks” conducted by constituent units within RAK,<sup>393</sup> and in practice, RAK divisions were integrated into zone administrations.<sup>394</sup>

177. Under the CPK Central Committee Directive of 30 March 1976, zone secretaries, including Ta Mok, had the authority to decide on arrests and executions.<sup>395</sup> In some instances, Duch states that deputy zone secretaries also exercised the power to decide who would be arrested,<sup>396</sup> or “smashed”.<sup>397</sup> Furthermore, decisions regarding arrests of some Party members and mid level cadres were made by the committee of a zone.<sup>398</sup>
178. Sectors constituted the administrative level below the zone level.<sup>399</sup> The sector committee was the “highest operational organisation” for the sector and the subordinate administrative levels.<sup>400</sup> Similar to the zones, the sectors were governed by a three-person committee, consisting of a secretary, a deputy usually responsible for

<sup>393</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 19(1).

<sup>394</sup> **D6.1.734**, Written Record of Interview of Witness Sokh Chhien, 19 August 2009, ERN 00374947; **D219/702.1.148**, Written Record of Interview of Witness Suos Siyat, 17 January 2008, ERN 00204707. *See also* **D219/702.1.9**, Written Record of Interview of Witness Chea Chinit, 30 December 2009, ERN 00425881, A8; **D219/702.1.149**, Written Record of Interview of Witness Tea Tit, 28 January 2009, ERN 00284711; **D6.1.674**, Written Record of Interview of Witness Chaom Se, 8 November 2009, ERN 00406222-00406223, A3; **D1.3.29.7**, UNHCHR Suspect Statement of Kaing Guek Eav alias Duch, 4-6 May 1999, ERN 00184998.

<sup>395</sup> **D1.3.19.1**, CPK Central Committee Directive entitled “Decision of the Central Committee regarding a number of matters”, 30 March 1976, ERN 00182809; **D118/103.3**, Accused’s Final Written Submission, 25 November 2009, ERN 00412101; **D6.1.94**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 27 November 2008, ERN 00242937; **D6.1.736**, Written Record of Interview of Duch by CIJ, 11 November 2009, ERN 00403919; **D6.1.871**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 15 September 2009, ERN 00377706, line 25; **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 18 May 2009, ERN 00328461, lines 6-22; **D6.1.1056**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 27 March 2008, ERN 00194551; **D1.3.29.5**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 25 June 2008, ERN 00198883; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav, alias Duch], 28 March 2012, ERN 00796345, lines 9-12, lines 14-22; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406692, lines 2-18; **D6.1.636**, Written Record of Interview of Duch by CIJ, 21 October 2009, ERN 00398208; **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184044, Article 19(3)-(4).

<sup>396</sup> **D6.1.796**, Written Record of Interview of Duch by CIJ, 3 December 2009, ERN 00414348; **D219/702.1.40**, Letter To Respected and Beloved Angkar in Khmer by Pal, 26 March 1978, ERN 00524161; **D118/103.3**, Accused’s Final Written Submission, 25 November 2009, ERN 00412096.

<sup>397</sup> **D6.1.862**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 30 April 2009, ERN 00326157-00326158; **D179/1.2.19**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 10 April 2012, ERN 00801272, lines 17-23; **D118/103.3**, Accused’s Final Written Submission, 25 November 2009, ERN 00412098; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406690, lines 10-14; **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204354; **D1.3.29.3**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 21 January 2008, ERN 00159558.

<sup>398</sup> **D6.1.1056**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 27 March 2008, ERN 00194551; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406690, lines 10-14.

<sup>399</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184038, Article 7(2)-(3), ERN 00184042, Article 15(3), ERN 00184043, Article 16(4).

<sup>400</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184038, Article 7(2)-(3), ERN 00184041, Article 12(3), ERN 00184042, Article 16(1).





security, and a member usually responsible for economics.<sup>401</sup> This committee was responsible for the proper administration of the district levels throughout the Sector.<sup>402</sup> Sector committees had a statutory duty to disseminate and implement the work plans of the zone committee throughout the sector, by “*constantly and tightly*” guiding the political and ideological stance of the lower echelons and the people.<sup>403</sup>

179. Under the CPK Statute, sector committees were responsible for managing the property of the sector, administering discipline in the sector, and maintaining a system of reporting to the upper echelons on the situation and work within the sector,<sup>404</sup> and responsible for receiving reports, including regarding the security situation and the work of the districts.<sup>405</sup> Sector committees were also required to hold sector conferences every six months,<sup>406</sup> and ordinary meetings monthly.<sup>407</sup> Sector secretaries

<sup>401</sup> **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328517-00328519.

<sup>402</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042-00184043, Articles 16(1)-(3).

<sup>403</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042-00184043, Article 16(2); **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380138; **D118/96**, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974060, A32-A33; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A16-A17; **D118/87**, Written Record of Interview of Witness of Tep Sien, 13 August 2013, ERN 00976974, A28; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067711, A98; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974995, A21-A23; **D6.1.786**, Written Record of Interview of Witness Iem Duch, 1 November 2007, ERN 00223513; **D6.1.688**, Written Record of Interview of Witness Bun Thien, 17 August 2009, ERN 00384406.

<sup>404</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043, Article 16. *See also* **D6.1.1073**, Answers of Duch to the 13 written questions of the CIJ, 22 October 2008, ERN 00251374; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044681, A44; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034083, A9; **D118/152**, Written Record of Interview of Witness Pok Touch, 25 November 2013, ERN 00979111, A84; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111834, A69-A74; **D118/171**, Written Record of Interview of Witness Khiev Nov, 23 January 2014, ERN 00980419, A107; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974999, A53; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708, A72; **D219/226**, Written Record of Interview of Civil Party Applicant Penh Va, 11 March 2015, ERN 01088625, A14; **D119/136**, Written Record of Interview of Witness Pan Chhuong, 22 July 2014, ERN 01044765, A19-A20; **D119/108**, Written Record of Interview of Witness Sok Rum, 19 March 2014, ERN 00986254, A42; **D219/762**, Written Record of Interview of Witness Saray Hean, 19 May 2016, ERN 01309792, A16; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380137; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974999, A53.

<sup>405</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042, Article 13(4). *See* **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381025; **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276593-00276597; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322114-00322116.

<sup>406</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042, Article 15.

<sup>407</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184043, Article 17.



under the CPK could also appoint and demote cadres at the sector, district, and commune level.<sup>408</sup>

180. Sector secretaries were also responsible for approving and authorising district secretaries to appoint and demote cadres at the district and commune level.<sup>409</sup>
181. Under the CPK Statute, the sector committee was responsible for the administration and implementation of tasks conducted by the RAK.<sup>410</sup> As such, throughout the CPK, each sector had a military unit which reported directly to the sector secretary.<sup>411</sup>
182. Consistent with the CPK's fundamental principle of "*vigilance toward all enemy activities*", sector secretaries were responsible for instructing the lower echelons and the people to seek out enemies for re-education or destruction ("*smashing*").<sup>412</sup>

<sup>408</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184041, Article 12(3). *See also* **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328519, lines 18-22; **D119/29**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013, ERN 00937035, A6; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031974, A21; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967018, A11; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000672, A44; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057688, A70, ERN 01057723, A275; **D119/65**, Written Record of Interview of Witness Tum Soeun, 16 October 2013, ERN 00966787, A63; **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508565, A19-A20; **D134/2**, Written Record of Interview of Witness Sou Nan, 4 September 2013, ERN 00974273, A8; **D6.1.985**, Written Record of Interview of Witness Sao Phen, 5 April 2010, ERN 00508571-00508572, A1-A2; **D219/702.1.142**, Written Record of Interview of Witness Bun Loeng Chauy, 10 June 2008, ERN 00274100; **D179/1.2.23**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 5 June 2012, ERN 00814738, lines 8-10; **D6.1.141**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278695; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A23; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976974, A28; **D119/156**, Written Record of Interview of Witness Chhoeung Choeun, 4 September 2014, ERN 01044846, A26.

<sup>409</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184040-00184041, Articles 11(3), 12(3). *See* **D179/1.2.23**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 5 June 2012, ERN 00814739, lines 23-24; **D6.1.533**, Written Record of Analysis by Craig C. Etcheson, Investigator of the Office of the Co-Prosecutors, 18 July 2007, ERN 00146842.

<sup>410</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042, Article 16(1).

<sup>411</sup> **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000680, A112; **D219/294**, Written Record of Interview of Witness Muol Eng alias Ta En, 4 May 2015, ERN 01111844-01111845, A182, A190-A191; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097407, A3; **D118/244**, Written Record of Interview of Witness Phar Pet, 23 May 2014, ERN 01029410, A5-A6; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044682, A50.

<sup>412</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184025, ERN 00184035-00184036, Article 5(3), (9); **D6.1.740**, The Revolutionary Flag, Special Issue, October-November 1977, ERN 00182550; **D1.3.22.5**, The Revolutionary Flag, Special Issue, December 1977 - January 1978, ERN 00184315. *See* **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A5; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067712, A100, ERN 01067715, A125, ERN 01067718, A147; **D118/96**, Written Record of Interview of Witness Loch Eng, 24 September 2013, ERN 00974060-00974061, A34; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970456, A30; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976925, A22; **D6.1.688**, Written Record of Interview of Witness Bun Thien, 17 August 2009,



Throughout the CPK, sector secretaries had the authority to order the arrest and execution of particular individuals and in some cases order their release within their respective sectors.<sup>413</sup> Sector security centres were under the direct supervision of the respective sector secretary.<sup>414</sup>

183. Districts were the administrative units below the sector level. Like sectors, they were governed by three-people party committees consisting of a secretary, a deputy secretary, and a member.<sup>415</sup> Districts were divided in communes, which were in turn divided in villages. Villages were often combined into larger entities known as cooperatives.<sup>416</sup>
184. The secretary was responsible for appointing and removing the other members of the committee, with the approval of the sector and zone secretaries.<sup>417</sup>
185. The CPK Statute gave district committees the authority to designate new work in accordance with the CPK line (and, as set out above, with the instructions received from the sector).<sup>418</sup> They also had the duty to administer discipline within the district and to report to the sector on work and other matters within the district.<sup>419</sup>

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ERN 00384407-00384408. *See also* **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976967, A47.

<sup>413</sup> **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204339; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381025; **D6.1.695**, Written Record of Interview of Witness Phan Chhēn, 9 December 2009, ERN 00426301, A19-A23; **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276593-00276594; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322114.

<sup>414</sup> **D118/103.3**, Accused's Final Written Submission, 25 November 2009, ERN 00412111; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380134-00380136.

<sup>415</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184038, Article 7(4); **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328519, lines 14-17; **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, 11 June 2012 (filing date), ERN 00814511-00814512; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796337, lines 10-16.

<sup>416</sup> **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328520, lines 11-22; **D6.1.975**, Geography Text book of DK's Ministry of Education, 1977, 11 June 2012 (filing date), ERN 00814511-00814512; **D179/1.2.12**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 28 March 2012, ERN 00796337, lines 17-21.

<sup>417</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184041, Article 12; **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328519, lines 18-22.

<sup>418</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184041, Article 12.

<sup>419</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184042, Article 12.



## 5.2 Factual findings on JCE

### 5.2.1 Factual findings on the JCE targeting the Khmer Krom

#### 5.2.1.1 Khmer Krom identity

186. Kampuchea Krom (“Lower Cambodia”) refers to an area in the Mekong Delta region in the southern part of Vietnam bordered by Cambodia, the Gulf of Thailand, and the South China Sea.<sup>420</sup>

187. The Khmer Krom (“Lower Cambodians”) are an ethnic minority descended from the ethnic Khmer who lived in Kampuchea Krom since the times of the Khmer Empire and whose distinct identity took shape after the area came under the growing influence and control of Vietnam.<sup>421</sup> They continue to have religious, cultural, and linguistic ties to Cambodia but have distinct accents, family names, and traditions due to Vietnamese influence.<sup>422</sup> Their distinct accents stem from three provinces in Kampuchea Krom and were heavily influenced by the Vietnamese language due to forced assimilation policies in the 19th and 20th centuries.<sup>423</sup> In addition, Khmer Krom are identifiable by

<sup>420</sup> **D378/5.1.207**, Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, Report, New York, January 2009, ERN 01595755; **D378/5.1.197**, Mahdev Mohan, “Re-constituting the Un-person: the Khmer Krom and the Khmer Rouge Tribunal”, *Singapore Year Book of International Law*, Vol. 12, 2008, ERN 01595553; **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silkworm Books, Thailand, ERN 00678495; **D6.1.85**, Nayan Chanda, *Brother Enemy. The war after the war*, 1986, Collier Books, United States of America, ERN 00192241; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704110.

<sup>421</sup> **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silkworm Books, Thailand, ERN 00678651. *See also* **D219/879.1.17**, *Ethnic Groups in Cambodia*, 2009, Center for Advanced Study, Cambodia, ERN 00489318, ERN 00489332.

<sup>422</sup> **D5/69/3**, Transcript of Hearing on the Substance in Case 002 [Soeun Sovandy], 4 June 2013, ERN 00918643-00978644; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970007, A33; **D378/5.1.206**, Cambodian Centre for Human Rights, *Citizenship Rights for Khmer Krom in Cambodia*, Report, Phnom Penh, January 2017, ERN 01595707; **D216/1.4.4**, Rochelle Braaf, *Sexual Violence Against Ethnic Minorities During the Khmer Rouge Regime*, 2014, Cambodian Defenders Project, Cambodia, pp. 10, ERN 00992264; **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silkworm Books, Thailand, p. 298, ERN 00678651; **D378/5.1.197**, Mahdev Mohan, “Re-constituting the Un-person: the Khmer Krom and the Khmer Rouge Tribunal”, *Singapore Year Book of International Law*, Vol. 12, 2008, ERN 01595553; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704113. *See also* **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5-A7.

<sup>423</sup> **D5/69/3**, Transcript of Hearing on the Substance in Case 002 [Soeun Sovandy], 4 June 2013, ERN 00918644, lines 9-17; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970007, A33; **D378/5.1.206**, Cambodian Centre for Human Rights, *Citizenship Rights for Khmer Krom in Cambodia*, Report, Phnom Penh, January 2017, ERN 01595707; **D378/5.1.207**, Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, Report, New York, January 2009, ERN 01595756; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704110, ERN 00704113. *See* **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047109, A92; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931, A5; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610, A52-A54. *See also* **D219/312**, Written Record of Interview of Witness Pang Thai, 15 May 2013, ERN 01111954, A31; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2013, ERN



Vietnamese surnames their ancestors were forced to adopt.<sup>424</sup> Some Khmer Krom women have traditionally dressed differently from Khmer women by wearing trousers and skirts, unlike Cambodian Khmer women who predominantly wore *sarongs*.<sup>425</sup>

188. Khmer Krom self-identify based on their lineage, i.e. if a child has Khmer Krom parents or grandparents, the child is generally considered to be Khmer Krom, regardless of where the child is born.<sup>426</sup> Like other Khmer, the Khmer Krom are Theravada Buddhists; they generally see their religion as the foundation of their culture and identity.<sup>427</sup> Some Khmer Krom perceive themselves simply as Khmer,<sup>428</sup> whereas other Khmer Krom consider themselves to be part of a separate group that is distinct from other Khmer.<sup>429</sup> One Khmer Krom civil party applicant states that, “*just like the Cham*

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01117680, A20; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So, 9 October 2013, ERN 00975886, A13.

<sup>424</sup> **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970005, A24-A26, ERN 00970007, A33; **D219/798**, Written Record of Interview of Witness Ngin Chheuy, 20 July 2016, ERN 01479505, A111; **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452128, lines 7-14; **D5/69/3**, Transcript of Hearing on the Substance in Case 002 [Soeun Sovandy], 4 June 2013, ERN 00918644, lines 9-17; **D378/5.1.206**, Cambodian Centre for Human Rights, Citizenship Rights for Khmer Krom in Cambodia, Report, Phnom Penh, January 2017, ERN 01595707; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595756; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704113.

<sup>425</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A41, ERN 01031856, A172; **D118/269**, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035012, A55. *See also* **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970007, A34. *Contra* **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975877, A33.

<sup>426</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A28; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5-A6; **D118/225**, Written Record of Interview of Civil Party Applicant Chea Pren, 22 April 2014, ERN 01061130, A50; **D219/729**, Written Record of Interview of Witness Pan Samut, 16 March 2016, ERN 01486530, A8, A10; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456256-01456258, A29, A47-A48. *See also* **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981829-00981830, A15-A16; **D118/124**, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975885, A6; **D118/125**, Written Record of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976583-00976584, A5-A7; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979968, A4-A6; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A6; **D219/311**, Written Record of Interview of Civil Party Applicant Peng San, 10 May 2015, ERN 01111944, A7; **D219/339**, Written Record of Interview of Civil Party Applicant Pem Sev, 26 May 2015, ERN 01118192, A9; **D219/342**, Written Record of Interview of Saeun Thoeun, 27 May 2015, ERN 01116069, A3-A4.

<sup>427</sup> **D118/124**, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975886, A12; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595746.

<sup>428</sup> **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452134, lines 22-25; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681-01053682, A4-A5, A14.

<sup>429</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A6; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A28; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October



people”, the Khmer Krom “share great solidarity” and often spend time together in groups.<sup>430</sup>

### 5.2.1.2 History of the Khmer Krom

189. From the 9th century onward, the Mekong Delta region was part of the Khmer Empire, which had declined significantly by the 17th century.<sup>431</sup> Vietnamese authorities set up customs posts in Prei Nokor (present-day Ho Chi Minh City) and gradually took control over the region.<sup>432</sup> From the 17th century onward, settlement and influence of ethnic Vietnamese people in Kampuchea Krom increased until the establishment of the French protectorate Cochinchina in the 19th century. During the French colonial period (1867-1949), the Mekong Delta was incorporated into the southwestern part of Cochinchina.<sup>433</sup> In 1949, France ceded the region to Vietnam.<sup>434</sup> Many present-day Cambodians see Kampuchea Krom as part of the ancestral homeland of the Khmer people.<sup>435</sup>

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2013, ERN 00979969, A8, ERN 00979978, A74-A75; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5-A6; **D219/494.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Sam Sak], 2 September 2015, ERN 01484286, lines 9-16. *See also* Khmer Krom witnesses distinguishing between Khmer Krom and ‘ordinary’ Khmer: **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982646, A94-A95, ERN 00982656, A170; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986209, A17-A18; **D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN 01033056, A63.

<sup>430</sup> **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979969, A8.

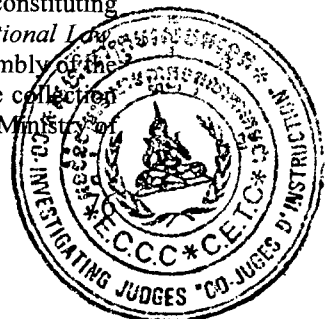
<sup>431</sup> **D378/5.1.206**, Cambodian Centre for Human Rights, Citizenship Rights for Khmer Krom in Cambodia, Report, Phnom Penh, January 2017, ERN 01595707; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595755; **D378/5.1.197**, Mahdev Mohan, “Re-constituting the Un-person: the Khmer Krom and the Khmer Rouge Tribunal”, *Singapore Year Book of International Law*, Vol. 12, 2008, ERN 01595553.

<sup>432</sup> **D219/879.1.17**, *Ethnic Groups in Cambodia*, 2009, Center for Advanced Study, Cambodia, ERN 00489318. *See also* **D1.3.17.2**, Department of Press and Information of the Ministry of Foreign Affairs to Democratic Kampuchea, Black Paper: Facts and Evidences of the acts of Aggression and Annexation of Vietnam against Kampuchea, September 1978, ERN 00082515.

<sup>433</sup> **D378/5.1.206**, Cambodian Centre for Human Rights, Citizenship Rights for Khmer Krom in Cambodia, Report, Phnom Penh, January 2017, ERN 01595707; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595755; **D219/879.1.17**, *Ethnic Groups in Cambodia*, 2009, Center for Advanced Study, Cambodia, ERN 00489321. *See also* **D1.3.17.2**, Department of Press and Information of the Ministry of Foreign Affairs to Democratic Kampuchea, Black Paper: Facts and Evidences of the acts of Aggression and Annexation of Vietnam against Kampuchea, September 1978, ERN 00082515.

<sup>434</sup> **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595755.

<sup>435</sup> **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta, Report, New York, January 2009, ERN 01595755. *See* **D378/5.1.197**, Mahdev Mohan, “Re-constituting the Un-person: the Khmer Krom and the Khmer Rouge Tribunal”, *Singapore Year Book of International Law*, Vol. 12, 2008, ERN 01595553. *See also* **D132.1.89**, Statements of Ieng Sary before the General Assembly of the United Nations, 12 October 1978, ERN 00199496; **D6.1.826**, Foreign Broadcast Information Service collection of reports, 16 October 1978, ERN 00170244; **D1.3.17.2**, Department of Press and Information of the Ministry of Foreign Affairs to Democratic Kampuchea, Black Paper: Facts and Evidences of the acts of Aggression and Annexation of Vietnam against Kampuchea, September 1978, ERN 00082515.



190. During the Ngo Dinh Diem regime in the mid-20th century, South Vietnamese authorities adopted oppressive policies toward ethnic Khmers in Kampuchea Krom aimed to force their assimilation into Vietnamese society.<sup>436</sup> The government re-instituted a series of measures, including the forced adoption of Vietnamese surnames and the Vietnamese language and the closure of Khmer pagoda schools, which were previously imposed in the 19th century by Emperor Minh Mang to force the assimilation of the Khmer Krom into Vietnamese society.<sup>437</sup> In addition, South Vietnamese authorities required Khmer Krom to serve in the South Vietnamese army.<sup>438</sup>
191. Khmer Krom migration to Cambodia can be traced back to the 19th century.<sup>439</sup> Waves of Khmer Krom also left Kampuchea Krom in the mid-20th century and settled in, *inter alia*, Phnom Penh, Battambang Province (Daun Try District), Pursat Province (Bakan District), and Takeo Province (Tram Kak District).<sup>440</sup>

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Foreign Affairs to Democratic Kampuchea, Black Paper: Facts and Evidences of the acts of Aggression and Annexation of Vietnam against Kampuchea, September 1978, ERN 00082515.

<sup>436</sup> **D378/5.1.206**, Cambodian Centre for Human Rights, Citizenship Rights for Khmer Krom in Cambodia, Report, Phnom Penh, January 2017, ERN 01595707; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704113; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta, Report, New York, January 2009, ERN 01595756. *See also* **D219/879.1.17**, *Ethnic Groups in Cambodia*, 2009, Center for Advanced Study, Cambodia, pp.30-31, ERN 00489322-00489323.

<sup>437</sup> **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704110; **D378/5.1.207**, Human Rights Watch, On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta, Report, New York, January 2009, ERN 01595756; **D378/5.1.206**, Cambodian Centre for Human Rights, Citizenship Rights for Khmer Krom in Cambodia, Report, Phnom Penh, January 2017, ERN 01595707; **D219/879.1.17**, *Ethnic Groups in Cambodia*, 2009, Center for Advanced Study, Cambodia, ERN 00489322-00489323.

<sup>438</sup> **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704114.

<sup>439</sup> **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silkworm Books, Thailand, ERN 00678651.

<sup>440</sup> **Phnom Penh: D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970001-00970002, A6-A8; **D118/172**, Written Record of Interview of Witness Neang Ouch, 29 January 2014, ERN 00980868-00980869, A13-A15; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A9, A14, ERN 00945872, A19; **D118/269**, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035004-01035005, A5; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A28; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A7-A8; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178841, A13; **D219/522**, Written Record of Interview of Witness Hun Kimseng, 15 September 2015, ERN 01168015, A54. **Battambang Province (Daun Try District): D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493011-01493012, A12. *See also* **D118/124**, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975885-00975886, A6-A9; **D1.3.17.1**, Elizabeth Becker, *When the war was over: Cambodia and the Khmer Rouge Revolution*, 1986, PublicAffairs, United States of America, ERN 00237808-00237809. **Pursat Province (Bakan District): D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 29 February 2016, ERN 00986207, A11-A12; **D118/124**, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975885-00975886, A6-A9; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979968, A4-A6, ERN 00979970, A19; **D118/217**, Written



192. In the late 1950s, a Khmer Krom monk named Samouk Seng established the “*White Scarf movement*” with the goal of preserving the Khmer ethnic identity of the Khmer Krom in Kampuchea Krom.<sup>441</sup> In 1961, the “*Struggle Front of the Khmer Kampuchea Krom*” (“SFKKK”) led by the Khmer Krom Buddhist monk Chau Dara emerged out of the “*White Scarf movement*”.<sup>442</sup> The SFKKK’s initial aim was to ensure equal rights for the Khmer Krom within Vietnam.<sup>443</sup> Growing to include an armed force of around 1500 men, the SFKKK increased its pressure on the South Vietnamese regime and, in 1963, demanded that South Vietnam transfer sovereignty of Kampuchea Krom to Cambodia.<sup>444</sup> Chau Dara was arrested that year by South Vietnamese officials, and the movement subsequently decreased in power.<sup>445</sup> However, according to several witnesses, the movement continued to operate after the arrest of Chau Dara into the 1970s.<sup>446</sup>
193. In the 1960s and 1970s, during the Vietnam War, the U.S. Government recruited and trained various ethnic minorities in Vietnam, including a significant number of Khmer Krom, and recruited them into a U.S. special operations unit known as the MIKE Force (Mobile Strike Force)<sup>447</sup> to fight against North Vietnamese and Vietcong forces in the Mekong Delta.<sup>448</sup>

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Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040498, A60; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830, A17-A19; **D219/737**, Written Record of Interview of Witness Dim Kimheat, 30 March 2016, ERN 01300128, A9-A11. Takeo Province (Tram Kak District): **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982646, A97.

<sup>441</sup> **D378/5.1.207**, Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, Report, New York, January 2009, Human Rights Watch, *On the Margins: Rights abuses of ethnic Khmer’s in Vietnam’s Mekong Delta*, Report, New York, January 2009, ERN 01595756; **D378/5.1.199**, Gerald Hickey, *Free in the Forest*, 1982, Yale University Press, United States of America, ERN 01595932.

<sup>442</sup> **D378/5.1.199**, Gerald Hickey, *Free in the Forest*, 1982, Yale University Press, United States of America, ERN 01595932; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704114.

<sup>443</sup> **D378/5.1.199**, Gerald Hickey, *Free in the Forest*, 1982, Yale University Press, United States of America, ERN 01595932.

<sup>444</sup> **D378/5.1.199**, Gerald Hickey, *Free in the Forest*, 1982, Yale University Press, United States of America, ERN 01595932; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704114.

<sup>445</sup> **D378/5.1.199**, Gerald Hickey, *Free in the Forest*, 1982, Yale University Press, United States of America, ERN 01595932; **D6.1.598**, Harris Ian, *Buddhism under Pol Pot*, 2008, Cambodia, ERN 00704114.

<sup>446</sup> **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076904-01076905, A15-A20, ERN 01076916 A110; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053698-01053699, A137-A138; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980294-00980295, A135-A138; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803444, A36-A39; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982656-00982657, A175-A177.

<sup>447</sup> **D6.1.940**, Wilfred Deac, *Road to the Killing Fields - The Cambodian war of 1970-1975*, 1977, Texas A&M University Press, United States of America, ERN 00430627.

<sup>448</sup> **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silksworm Books, Thailand, ERN 00678495; **D378/5.1.197**, Mahdev Mohan





194. In March 1970, General Lon Nol seized power in Cambodia and overthrew Prince Norodom Sihanouk as the head of state.<sup>449</sup> Between 1970 and 1975, Lon Nol used Khmer Krom from various movements, including the former MIKE Force and remnants of the White Scarf and SFKKK movements, to defend his reign by fighting against the alliance of Prince Norodom Sihanouk, the CPK, and their supporters.<sup>450</sup>
195. After the CPK took power on 17 April 1975, it began to arrest and kill those associated with the former Lon Nol regime, including MIKE forces and White Scarves.<sup>451</sup>

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constituting the Un-person: the Khmer Krom and the Khmer Rouge Tribunal”, *Singapore Year Book of International Law*, Vol. 12, 2008,, ERN 01595553; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970002-00970003, A8-A13.

<sup>449</sup> **D315.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Thann Thim], 21 April 2015, ERN 01422170, lines 12-13; **D6.1.1105**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-1979*, 1996, Silkworm Books, Thailand, ERN 00678502; **D6.1.84**, David P. Chandler, *The Tragedy of Cambodian History. Politics, War, and Revolution since 1945*, 1991, Silkworm Books, Thailand, ERN 00193091, ERN 00193093, ERN 00193261, ERN 00193266. *See also* **D1.3.17.1**, Elizabeth Becker, *When the war was over: Cambodia and the Khmer Rouge Revolution*, 1986, PublicAffairs, United States of America, ERN 00237835.

<sup>450</sup> **Mike Forces: D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970002-00970003, A8, A15; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982655-00982656, A168-A172; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986209, A20-A22; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976584-00976585, A15-A24; **D315.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Thann Thim], 21 April 2015, ERN 01422170, lines 12-16, ERN 01422178, line 8; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053698, A134-A137; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055583, A63; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970063-00970064, A83-A85. *See also* **D6.1.1104**, Ben Kiernan, *How Pol Pot came to Power*, 1985, Verso Books, United Kingdom, ERN 00487420. **White Scarves: D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053698-01053699, A137-A139; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055583, A62; **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076904-01076905, A15-A18; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980294-00980295, A135-A138; **D118/269**, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035021-01035022, A103-A104; **D315.1.11**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 3 May 2015, ERN 01504475, lines 5-19. **US using Khmer Krom to fight Khmer Rouge: D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970009, A40. **Khmer Krom in Lon Nol army: D118/241**, Written Record of Interview of Thach Sok, 19 May 2014, ERN 01040489, A9.

<sup>451</sup> **Lon Nol: D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN 01033051, A21-A22; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040489, A9-A10. **MIKE force: D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982656, A171-A173; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040490, A13. **White Scarves: D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053840, A45; **D118/22**, Written Record of Interview with Witness Tun Soun, 20 February 2012, ERN 00976608-00976609, A28-A29. *See* **D219/121**, Written Record of Interview of Witness Loem Ngen, 8 December 2014, ERN 01057803, A40 (hearsay); **D105/6**, Written Record of Interview of Witness Hor, 9 March 2012, ERN 00841985, A85-A87.



### 5.2.1.3 CPK policy on the Khmer Krom

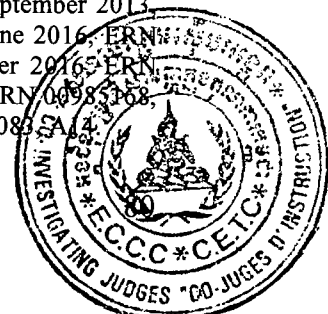
196. The CPK's perception of the Khmer Krom identity was multifaceted and sometimes contradictory. The CPK generally viewed the Khmer Krom identity as a distinct hereditary characteristic that could be passed on from parents to child.<sup>452</sup> The CPK at times acknowledged the ethnic similarity between the Khmer Krom and 'ordinary' Khmer,<sup>453</sup> but more often tended to consider them to be Vietnamese, or at least to be a distinct group that was racially similar or otherwise closely connected to the Vietnamese. The Khmer Krom were often considered to be racially similar to the Vietnamese due to their supposedly lighter skin colour compared to ordinary Khmers,<sup>454</sup> based on their Vietnamese accent,<sup>455</sup> or on where they or their ascendants

<sup>452</sup> CPK viewing the Khmer Krom as a distinct group: **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213364-01213365, A55, A59-A62; **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452134, lines 22-25; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055751-01055752, A54-A56; **D219/305**, Written Record of Interview of Civil Party Applicant Ngin Chheuy, 7 May 2015, ERN 01111910, A33. *See also* **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053682, A14. CPK viewing of Khmer Krom identity as hereditary: **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5-A6; **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098514, A46. *See also* **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A28.

<sup>453</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A21; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A45; **D219/702.1.103**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 24 April 2015, ERN 01444570, lines 5-8.

<sup>454</sup> **D118/269**, Written Record of Interview of Civil Party Applicant Thann Tim, 2 July 2014, ERN 01035007, A20-A21; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047110, A100; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047706, A39, ERN 01047713, A82; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050591, A74, A76; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A89; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251820, A23. *See also* **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067749, A172-A173; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976929, A53-A54; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207445, A96.

<sup>455</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976594, A83-A86; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055577, A19-A22; **D118/269**, Written Record of Interview of Civil Party Applicant Thann Tim, 2 July 2014, ERN 01035007, A20-A21; **D5/69/3**, Transcript of Hearing on the Substance in Case 002 [Soeun Sovandy], 4 June 2013, ERN 00918644, lines 12-17. *See also* **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130596, A34; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047104, A56-A60, ERN 01047109, A98; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931-01111932, A5-A6; **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053937, A119; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456256-01456257, A29; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976929, A53-A54; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348607, A31; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390092, A89; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985368, A131; **D219/343**, Written Record of Interview of Witness Ros Moang, 28 May 2015, ERN 01116088, A14.



were born.<sup>456</sup> The CPK also considered the Khmer Krom to have a Vietnamese mind-set, evidenced by the common usage of terms including “*Khmer body with Yuon head*”, “*Yuon brains*”, “*Yuon Khmer*”, “*Yuon spies*”, and “*Khmer bodies with Vietnamese heads*” when referring to Khmer Krom.<sup>457</sup>

197. Correspondingly, the CPK’s policy towards the Khmer Krom was largely rooted in animosity towards the Vietnamese over previous “*acts of aggression and annexation*” and a continual fear that Vietnam held territorial ambitions over DK. This animosity extended beyond the political and military entities of Vietnam to focus on the Vietnamese as a people. One DK Ministry of Foreign Affairs publication declared that “*Kampuchea’s people ...foster a deep national hatred against the Vietnamese*”.<sup>458</sup>

<sup>456</sup> **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681, A4-A5; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976594, A86-A87; **D118/215**, Written Record of Interview of Civil Party Applicant Chea Aun, 2 April 2014, ERN 00985629, A37; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, 01517480-01517481, A83-A84.

<sup>457</sup> “*Khmer body with Yuon head*”: **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981842, A100-A101. “*Yuon brains*”: **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135155, A30. “*Yuon spies*” or “*Vietnamese Spies*”: **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982640, A43; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493752, lines 14-17; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986697, A70, ; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A19. “*Khmer bodies with Vietnamese heads*”: **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452135, lines 9-12; **D118/278**, Written Record of Interview of Witness Nam In, 21 July 2014, ERN 01031793, A92-A94; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031951, A84; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045528, A87; **D366/4.1.5**, Transcript of Hearing on the Substance in Case 002/2 [Prak Khan], 28 April 2016, ERN 01299864, lines 2-6; **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970032, A54; **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117689, A81-A83. See also **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A78; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A44; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139572, A174-A176; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207571, A116-117; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975866, A45-A46; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185837, A81-A83; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn alias Khiem Saon, 5 January 2015, ERN 01072546, A58; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135155, A28-30; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031960, A71, A76; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050680, A77; **D219/866**, Written Record of Interview of Loey Mon, 4 November 2016, ERN 01373667; **D118/132**, Written Record of Interview of Witness Un Sovannary, 31 October 2013, ERN 00970063, A81; **D219/343**, Written Record of Interview of Witness Ros Moang, 28 May 2015, ERN 01116083, A14; **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970032, A54, **D219/333**, Written Record of Interview of Civil Party Applicant Tiev Vieng, 21 May 2015, ERN 01117982, A23.

<sup>458</sup> **D1.3.17.2**, Department of Press and Information of the Ministry of Foreign Affairs of DK entitled “*Brack* Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea” September 1978, ERN 00082517-00082518.



CPK soldiers and battalions were told during training sessions that “*Yvon*” were the “*hereditary enemy*” and were instructed to kill them, including babies.<sup>459</sup> As summarised by expert witness David Chandler, the underlying objective was “*to kill the Vietnamese, not because they were at war with Cambodia, but because they were Vietnamese*”.<sup>460</sup> A policy to “*smash*” the Vietnamese, often referred to in derogatory terms, was disseminated via CPK publications,<sup>461</sup> telegrams/reports,<sup>462</sup> meetings and study sessions.<sup>463</sup>

198. Because they were viewed as equivalent or similar to the Vietnamese, the Khmer Krom were subject to the CPK’s anti-Vietnamese policies. The CPK viewed the Khmer Krom, as a group, to be highly suspect, to be potential spies for the Vietnamese,<sup>464</sup> and to be prone to rebel or to actively join or support the Vietnamese armed forces engaged in hostilities against DK.<sup>465</sup>

<sup>459</sup> **D366/4.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Pak Sok], 16 December 2015, ERN 01412590, lines 8-11, ERN 01412600, lines 11-21, ERN 01412612-01412613; **D366/4.1.3**, Transcript of Hearing on the Substance in Case 002 [Pak Sok], 5 January 2016, ERN 01412835-01412836.

<sup>460</sup> **D179/1.2.32**, Transcript of Hearing on the Substance in Case 002 [David Chandler], 20 July 2012, ERN 00827441-00827442.

<sup>461</sup> **D322/8.1.23**, The Revolutionary Flag, Special Issue, 1 April 1977, ERN 00478496, ERN 00478501, ERN 00478502; **D6.1.743**, The Revolutionary Flag, Issue 7, 1 July 1978, ERN 00428289-00428291, ERN 00428293-00428295, ERN 00428303-00428304, ERN 00428307; **D322/8.1.24**, The Revolutionary Youth, Number 4, 1 April 1977, ERN 00491127; **D132.1.2**, Telegram #54 to beloved and respected M.870: Our forces killed one Yvon in Dakk Dam on 25-05-1977, 20 May 1977, ERN 00185226; **D347/2.1.30**, Transcript of Hearing on the Substance in Case 002/02 [Meas Vooun], 2 February 2016, ERN 01394449, lines 2-9, ERN 01394453-01394454. Other derogatory language used by CPK cadres to refer to Vietnamese: “Aggressor”: **D132.1.89**, National Public Statement by Khieu Samphan, 17 April 1978, ERN 00280397. “Noxious”: **D1.3.22.6**, The Revolutionary Flag, Special Issue, May-June 1978, ERN 00185333. “Rats”: **D322/8.1.23**, The Revolutionary Flag, Special Issue, 1 April 1977, ERN 00478496. “Germs”: **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519842; **D6.1.1131**, The Revolutionary Youth, Number 1-2, 1 January–February 1978, ERN 00278712-00278713, ERN 00278733.

<sup>462</sup> **D1.3.19.3**, CPK Directive by Office 870 entitled “Announcement of Steady and Absolute Combat Against the Yvon Enemy Aggressors and Expansionist Land-Grabbers”, 1 January 1979, ERN 00183666. *See also* **D219/370.1.13**, To respected Angkar from M401, 4 August 1978, ERN 00143618, ERN 00143624.

<sup>463</sup> **D366/4.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Pak Sok], 16 December 2015, ERN 01412612-01412613.

<sup>464</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982638-00982639, A30, ERN 00982640, A43; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493752; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A66-A67, A70, A73, ERN 00986699, A85; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A19; **D219/394**, Written Record of Interview of Riem Dy, 24 June 2015, ERN 01130588, A6; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986723, A101; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985086, A66.

<sup>465</sup> **D219/611**, Written Record of Interview of Witness Lam Savuon, 13 November 2015, ERN 01185837 A81-A83; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031960, A71, A76; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047780, A86-A89; ERN 01047781, A93, A95, ERN 01047782, A104; **D219/184**, Written Record of Interview of Witness Phnom Sinuon, 13 February 2015, ERN 01079316, A27, ERN 01079324, A82, ERN 01079325, A85-A88.



199. The CPK's views toward the Khmer Krom were also influenced by the latter's affiliation with political movements and armed groups that were deemed hostile by the CPK and therefore targeted, including the Lon Nol administration's armed forces, MIKE Force, and the White Scarf movement.<sup>466</sup> According to the former Chief of S-21 Duch, the CPK regarded the "*Kampuchea Krom and the struggle movement of the Kampuchea Krom ... as spies*" due to their "*affiliation with the U.S.*"<sup>467</sup> Accordingly, the Khmer Krom were sometimes accused of being "*CIA*".<sup>468</sup>
200. The existence of a distinct group such as the Khmer Krom was also contrary to the CPK's goal of establishing a classless, atheist, and ethnically homogenous society through the abolishment of all ethnic, national, religious, class, and cultural differences in DK.<sup>469</sup>

also **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982638-00982639, A30, ERN 00982640, A43; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493752; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067048-01067049, A131-A134; **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178730, A46, ERN 01178741-01178742, A134-A145; **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104764, A64-A69, ERN 01104765, A72, A75; **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A20-A21; **D118/122**, Written Record of Interview of Civil Party Applicant Thek Bunroeu, 8 October 2013, ERN 00975866, A45-A46.

<sup>466</sup> Lon Nol armed forces: **D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN 01033051, A21-A22; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040489, A9-A10; **D118/123**, Written Record of Interview of Civil Party Applicant Thek Yeun, 8 October 2013, ERN 00975878, A45. MIKE Forces: **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982656, A171-A173; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040490, A13. White Scarf movement: **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053840, A44-A45; **D105/6**, Written Record of Interview of Witness Hor Yan, 19 March 2012, ERN 00841984-00841985, A84-A90; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040490, A13. *See also* **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053699, A138-A141. *See also History of the Khmer Krom*, paras 192-195.

<sup>467</sup> **D219/702.1.117**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 10 June 2009, ERN 00339618-00339619, ERN 00339621.

<sup>468</sup> **D219/522**, Written Record of Interview of Witness Hun Kimseng, 15 September 2015, ERN 01168022, A103; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A9-A11. *See also* **D6.1.279**, Report on King Him and Hy Dy, 6 September 1977, ERN 00355474. *See also* KGB: **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045485, A111; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982640, A43; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493752, lines 14-17.

<sup>469</sup> *See Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, para 294.



201. Khmer Krom who managed to hide their identity during DK were perceived and treated as regular Khmer.<sup>470</sup>
202. In the case of mixed marriages, especially in Sector 2, Khmer people were sometimes forced to decide whether to join their Khmer Krom spouses when they were being sent to a detention centre or execution site, or to stay behind and survive.<sup>471</sup> Similarly, children born from ethnically mixed parents sometimes had to choose whether to join the Khmer Krom parent being arrested or stay behind with the Khmer parent.<sup>472</sup> This choice seems to indicate that children of mixed parents could sometimes be viewed as sufficiently Khmer to be spared.<sup>473</sup>
203. As elaborated below, numerous witnesses recall statements by CPK cadres in the parts of these zones which hosted a large Khmer Krom population<sup>474</sup> which clearly indicated a policy and plan to eliminate the Khmer Krom. While Khmer Krom were targeted in the Southwest Zone very early in the DK period,<sup>475</sup> in the Northwest Zone the targeting of Khmer Krom began in 1977 and accelerated after the arrival of the Southwest Zone cadres.<sup>476</sup> In many instances, announcements or discussions about the targeting of Khmer Krom were immediately or soon after followed by CPK cadres rounding up Khmer Krom to be killed.

<sup>470</sup> **D6.1.961**, DK Publication entitled "Democratic Kampuchea is Moving Forward", August 1977, ERN 00050248.

<sup>470</sup> **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970005, A24-A26; **D118/125**, Written Record of Interview of Civil Party Applicant Phan Saray, 10 October 2013, ERN 00976594, A83-A85. *See also* **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098486-01098487, A60-A61.

<sup>471</sup> **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A55-A56, A59-A60; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031815-01031816, A250-A254. *See also Telegram regarding mixed marriages: D6.1.546*, The Khmer Rouge Communication Document 1975-1978, ERN 00143066.

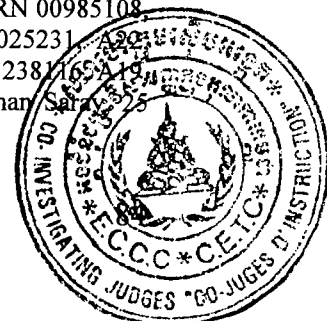
<sup>472</sup> **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986678-00986679, A59-A61; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055758, A91-A94; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031815-01031816, A250-A254.

<sup>473</sup> **D118/258**, Written Record of Interview of Civil Party Applicant Ruos Him, 11 June 2014, ERN 01000657, A54; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A55-A56, A59-A60; **D219/733**, Written Record of Interview of Witness Kem Phen, 22 March 2016, ERN 01238122, A65, ERN 01238124, A77, A79.

<sup>474</sup> *See History of the Khmer Krom*, para. 191.

<sup>475</sup> *See Killing operations in Sector 13*, paras 206-209.

<sup>476</sup> **D118/199**, Written Record of Interview of Civil Party Applicant Uong Sav, 11 March 2014, ERN 00985108, A30; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025231, A20; **D219/733**, Written Record of Interview of Witness Kem Phen, 22 March 2016, ERN 01238114-01238116, A19, ERN, A23, A28. *See also D118/189*, Written Record of Interview of Civil Party Applicant Phan Saray, 10 October 2013, ERN 00986693-00986694, A52.



### 5.2.1.4 *Demographics*

204. Prior to DK, there is evidence of Khmer Krom populations in the following areas:

- i. Takeo Province: Takeo Town, and Tram Kak and Kirivong Districts;<sup>477</sup>
- ii. Battambang Province: Sangkae District and Daun Try District;<sup>478</sup>
- iii. Pursat Province: Bakan District and Kandieng District;<sup>479</sup>
- iv. Phnom Penh;<sup>480</sup>

<sup>477</sup> Takeo Town: D219/592, Written Record of Interview of Witness Vorng Nop, 12 November 2015, ERN 01185738, A7-A8. Tram Kak District: D118/181, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982646, A97; D219/41, Written Record of Interview of Witness Phann Chhen, 12 October 2014, ERN 01053651, A70. Kirivong District: D219/268, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098479-01098480; D118/162, Written Record of Interview of Civil Party Applicant Keo Kan, 2 December 2013, ERN 00979981-00979982; D118/242, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057698, A126; D118/130, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970032, A56; D118/269, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035004-01035005, A4, A8; D118/284, Written Record of Interview of Witness Yang Nhoem, 13 August 2014, ERN 01031826, A8.

<sup>478</sup> Sangkae District: D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025280-01025281, A90, A93; D219/517, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166175-01166176, A61, A64-A65, A67; D219/50, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056863, A153-A156; D219/14, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047706, A36, A38-A39; D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066768-01066769, A10-A13, A17, ERN 01066778, A81-A82. Daun Try District: D118/124, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975885-00975886, A6-A9; D219/939, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 0149301-01493012, A12.

<sup>479</sup> Bakan District: D118/1, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A17; D118/202, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986208-00986208, A16; D118/214, Written Record of Interview of Civil Party Applicant Choeng Phy, 2 April 2014, ERN 00985613, A6-7, A9; D118/254, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025229, A6, ERN 01025231, A20; D118/256, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025243, A8; D118/258, Written Record of Interview of Civil Party Applicant Ruos Him, 11 June 2014, ERN 01000652-01000653, A12-A13; D118/262, Written Record of Interview of Witness Thep Phon, 24 June 2014, ERN 01033050-01033051, A11-A12, A17; D118/202, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986207, A11-A12; D118/124, Written Record of Civil Party Applicant Kim So, 9 October 2013, ERN 00975885-00975886, A6-A9; D118/127, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979968, A4-A6; D118/241, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040498, A60; D118/175, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830, A17-A20; D219/737, Written Record of Interview of Witness Dim Kimheat, 30 March 2016, ERN 01300128, A9-A11.

<sup>480</sup> D118/172, Written Record of Interview of Witness Neang Ouch, 29 January 2014, ERN 00980868-00980869, A13-A15; D119/2, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A9, A14, ERN 00945872, A19; D118/269, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035004-01035005, A1, A4-A7; D219/379, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A28; D219/592, Written Record of Interview of Witness Vorng Nop, 12 November 2015, ERN 01185738, A7-A8; D219/591, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178841, A13-A15; D219/522, Written Record of Interview of Witness Hun Kimseng, 15 September 2015, ERN 01168015, A54; D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970001-00970002, A6-A8.



- v. An Giang Province in Kampuchea Krom (Vietnam).<sup>481</sup>

205. During DK, Khmer Krom were transferred to and/or lived in the following communes/districts:

- i. Sector 1: Kanteu Commune and Kampong Kol Commune, Sangkae District; Thipakdei Commune,<sup>482</sup> Koas Krala District;
- ii. Sector 2: Khnar Totueng Commune, Rumlech Commune, Boeng Bat Kandal Commune, and Ta Lou Commune,<sup>483</sup> Bakan District;
- iii. Sector 4: Kampong Prieng Commune and Reang Kesei Commune, Daun Try District (also called District 42 and Moung Ruessei District); and Ta Pon Commune, Bak Prea District (District 41),<sup>484</sup>
- iv. Sector 7: Ou Ta Paong Commune, Bakan District;<sup>485</sup>
- v. Sector 13: Prey Khla Commune, Koh Andet District; Trapeang Thum Khang Cheung Commune, Khpok Trabaek Commune, Samraong Commune, Popel Commune, Ta Phem Commune, and Kus Commune, Tram Kak District; Trapeang Sab Commune, Bati District; and Saom Commune, Kampeang Commune and Kouk Prech Commune, Kirivong District.<sup>486</sup>

#### 5.2.1.5 Killing operations in Sector 13

206. The killing of Khmer Krom in Sector 13 of Southwest Zone occurred over several phases: first, the mass killing in Koh Andet District of at least hundreds of Khmer Krom soon after their evacuation from urban areas in April 1975; second, the targeting of the local Khmer Krom populations in Tram Kak District and Kirivong District throughout DK; third, the mass killing in Tram Kak District of Khmer Krom brought to the area following population exchanges with Vietnam during first half of 1976; and fourth, the sporadic killing of Khmer Krom forcibly transferred from Vietnam to Kirivong District in 1978 by the DK military.

<sup>481</sup> See *Killing operations in Sector 13*, para 224.

<sup>482</sup> See *Killing operations in Sector 1*, paras 235-242.

<sup>483</sup> See *Killing operations in Sector 2*, paras 243-257; *Svay Chrum Security Centre*, paras 772, 777-779.

<sup>484</sup> See *Killing operations in Sector 4*, paras 258-271.

<sup>485</sup> See *Killing operations in Sector 7*, paras 272-275.

<sup>486</sup> See *Killing operations in Sector 13*, paras 206-234.





*Evacuation and killing of Khmer Krom from urban areas*

207. At least hundreds of Khmer Krom were amongst the large groups of people evacuated by the CPK from Phnom Penh and Takeo Provincial Town in the first days of DK and sent to various locations in Sector 13 of the Southwest Zone, including Svay Voa Village, Kampeang Commune, Kirivong District; Trapeang Sab Commune, Bati District; and the neighbouring Samply Village and Sy Sla Village in Prey Khla Commune, Koh Andet District.<sup>487</sup>
208. Most of the Khmer Krom who were sent to Koh Andet District were then detained at Wat Ang Serei Muny and killed in the nearby Prey Sokhon Forest within weeks of their arrival.<sup>488</sup>
209. A significantly smaller number of Khmer Krom were evacuated to Svay Voa Village, Kampeang Commune, Kirivong District, and Trapeang Sab Commune, Bati District, where they were eventually moved, within a year of their arrival, to other parts of DK, including nearby Chi Mreak Village in Kampeang Commune, and MOUNG RUESSEI District, Sector 4 of the Northwest Zone, and remained there until the end of DK.<sup>489</sup> Some of these Khmer Krom were able to disguise their Khmer Krom identity,<sup>490</sup> and

<sup>487</sup> Kirivong District: D118/269, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035004-01035008, A5, A10, A15-A16, A20, A22, A30; D219/379, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132634, A5. Bati District: D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970004, A20-A22. Koh Andet District: D219/592, Written Record of Interview of Witness Vorng Nop, 12 November 2015, ERN 01185738, A7-A8, ERN 01185740-01185742, A21-A25, A28, A32-A33, ERN 01185744, A46; D119/2, Written Record of Interview of Witness Vorng Nob, 8 December 2012, ERN 00945870-00945872, A3, A9, A14, A19. *See also D118/172*, Written Record of Interview of Witness Neang Ouch, 29 January 2014, ERN 00980867-00980869, A2, A13-A15; D6.1.688, Written Record of Interview of Witness Bun Thien, 17 August 2009, ERN 00384399-00384400. *See Wat Ang Serei Muny and Prey Sokhon Forest*, para. 573.

<sup>488</sup> D219/592, Written Record of Interview of Witness Vorng Nop, 12 November 2015, ERN 01185738, A7, ERN 01185744-01185745, A46-A49, A51-A52; D119/4, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876982, A36; D219/591, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178844-01178845, A36-A37. *See Wat Ang Serei Muny and Prey Sokhon Forest*, paras 573-577.

<sup>489</sup> D118/269, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035008, A30; D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970004, A22.

<sup>490</sup> D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970004, A24; D118/269, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035010, A43.



therefore avoided the harsher treatment that they observed other Khmer Krom being subjected to during DK.<sup>491</sup>

*Targeting of the local Khmer Krom populations in Tram Kak District and Kirivong District*

210. Throughout DK, the local Khmer Krom population of Tram Kak District, Sector 13 was subject to greater scrutiny than the general population, and its members were frequently arrested and killed.<sup>492</sup> Throughout Tram Kak District, commune level cadres systematically identified and listed Khmer Krom individuals.<sup>493</sup> Such records, most of which were compiled over the course of 1977 (starting in January of that year), were sent to the District.<sup>494</sup>

<sup>491</sup> **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970005, A24-A26; **D118/269**, Written Record of Interview of Civil Party Applicant Thann Thim, 2 July 2014, ERN 01035007, A20, ERN 01035010, A44, ERN 01035012, A54. *See also* **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141.

<sup>492</sup> **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970032, A56; **D6.1.671**, Written Record of Interview of Witness Riel San, 29 October 2009, ERN 00412172, A10; **D6.1.282**, Report on Att Phuong, 15 September 1977, ERN 00366708; **D6.1.279**, Report on King Him and Hy Dy, 6 September 1977, ERN 00355474; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322194; **D6.1.260**, Report on the enemy's actions, 14 May 1977, ERN 00369463-00369464; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322216; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969629-00969630, A84-A86; **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166211, A61;

<sup>493</sup> **D6.1.534**, Confession of Chhon, 10 March 1978, ERN 00143482; **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276602; **D6.1.1228**, List of Cambodian people in Kampuchea Krom, 19 March 2009, ERN 00290260; **D6.1.1216**, Number of people who come from Kampuchea Krom to stay in Ang Ta Saom sub-district, Tram Kak district, 30 April 1977, ERN 00290262-00290263; **D6.1.234**, Report on Sao Phan, a new citizen, 2 January 1977, ERN 00322121; **D6.1.235**, Report to Angkar on the sending of four people, 9 January 1977, ERN 00322122; **D6.1.255**, Report on Lady Than Ni to Angkar in District 105, 4 May 1977, ERN 00322143; **D6.1.470**, List of Khmer Krom people in Kus commune, Sector 33, Tram Kak district, Takeo province, 29 April 1977, ERN 00366665-00366671; **D65.1.52**, Attachment 52: Name-list of Kampuchea Krom in Por Pel sub-district, 19 September 2011, ERN 00742626-00742628; **D6.1.220**, Statistics of Cambodian prisoners in Kampuchea Krom, 26 August 2009, ERN 00366699-00366705; **D6.1.260**, Report on the enemy's actions, 14 May 1977, ERN 00369463-00369464, ERN 00369471-00369472; **D347/2.1.3**, Number of prisoners, 22 June 2018, ERN 00323966-00323971; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.1220**, Name list of prisoners of Educating District Office 105 had been sweep up, 22 June 2018, ERN 00290210, ERN 00290215, ERN 00290225, ERN 00290235, ERN 00290236, ERN 00290238-00290239, ERN 00290241, ERN 00290250, ERN 00290257; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132639, A46; **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970032, A50, A52; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970059-00970060, A49-51; **D118/301**, Witten Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045463, A87; **D6.1.207**, Letter to the Party in Tram Kak District for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322216.

<sup>494</sup> **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493736-01493737, ERN 01493747, lines 4-9, ERN 01493752-01493753; **D347/2.1.4**, Confirmation Report from Phan to District Angkar on 8 May 1977, 8 May 1977, ERN 00742890; **D118/209**, Written Record of Interview of Witness Ul Hoehn, 19 March 2014, ERN 00983573, A47; **D347/2.1.3**, Number of prisoners, 22



211. One witness, who worked at a district level hospital in Trapeang Svay Village, Trapeang Thum Khang Cheung Commune, Tram Kak District from 1976 until the end of DK, attended three meetings at Wat Ang Roka in Tram Kak District where the participants were told by Pech Chim (Deputy District Secretary from April 1975 until June 1976 and District Secretary from June 1976 until late 1976 or early 1977)<sup>495</sup> of the “*types of people who had [to] be swept clean*”.<sup>496</sup> During these meetings, which were attended by members of the district and communes committee and village and unit chiefs, Pech Chim stated that “*all the Khmer Krom had to be killed*”, and the Khmer Krom were described as “*KGB agents*” and “*Yvon spies*”.<sup>497</sup> Although the witness states that these meetings took place “*during the middle and end of the regime*”,<sup>498</sup> Pech Chim was transferred from Tram Kak District to Kampong Cham in late 1976 or early 1977,<sup>499</sup> so the meetings must have been held prior to this date.
212. While most of the Khmer Krom arrested in Tram Kak District were killed at Kraing Ta Chan Security Centre,<sup>500</sup> a small number of Khmer Krom were taken to “*Prison 204*” in Prey Kduoch Village, Trapeang Kranhung Commune,<sup>501</sup> and most likely killed thereafter, although that is not a charged site as such.
213. As in Tram Kak District, statements by CPK cadres in Kirivong District reflect a CPK policy to target the Khmer Krom population. One Khmer Krom civil party applicant,

June 2018, ERN 00323977-00323978; **D6.1.234**, Report on Sao Phan, a new citizen, 2 January 1977, ERN 00322121.

<sup>495</sup> **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980280, A12; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000670, A32-A35; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379171.

<sup>496</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982635-00982640, A3-A4, A9-A13, A16-A18, A30, A32-A37, A39, A43; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493736-01493737, ERN 01493747, ERN 01493752.

<sup>497</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982638-00982640, A30, A43. *See also* **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493752, lines 14-17.

<sup>498</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982639-00982640, A32.

<sup>499</sup> **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379170; **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379306; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000670, A32-A35. *See also* **D315.2.5**, Transcript of Hearing on the Substance in Case 002/02 [Phneu Yav], 17 February 2015, ERN 01477053, lines 4-6; **D364/2.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 5 February 2015, ERN 01415655, lines 9-11; **D6.1.782**, Written Record of Interview of Witness Eap Duch, 30 October 2007, ERN 00223474.

<sup>500</sup> *Khmer Krom in Kraing Ta Chan*: *See Kraing Ta Chan Security Centre*, paras 490-493.

<sup>501</sup> *Khmer Krom in Prison 204*: **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982647-00982648, A100-A101, A103, A106; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493754-01493755.



who lived in Kampeang Commune, Kirivong District<sup>502</sup> from April 1975 until 1977, states that sometime in 1976, Ta Nheb, the Kampeang Commune Chief, said it was “*the plan from Angkar’s upper level*” to target the Khmer Krom.<sup>503</sup>

214. A common ruse used by the CPK in both Kirivong District and Tram Kak District to identify individuals with perceived links to the Vietnamese, including the Khmer Krom, was to offer people the opportunity to be resettled in Kampuchea Krom. Those who displayed interest in this offer, which included both Khmer Krom and Khmer people, were later arrested.<sup>504</sup>
215. One witness states that in late 1975, Ta Nheb, the chief of Kampeang Commune, Kirivong District, announced that anyone born in Kampuchea Krom would be sent back to Vietnam. The witness’ mother wanted to be part of such a group of people, but was advised by a village chief not to do so as these people “*would be taken to be killed*”. The witness describes these people being taken away in late 1976 with the involvement of CPK cadres at the district and sector levels, given the use of district or sector trucks in the operation.<sup>505</sup>

*Killing of Khmer Krom brought to DK via population exchanges with Vietnam*

216. During DK, the CPK organised the mass movement of large numbers of Khmer Krom from Kampuchea Krom to Cambodia. This occurred in two stages: during the first half of 1976, Cambodia and Vietnam exchanged Vietnamese living in Cambodia for Khmer Krom from Kampuchea Krom. From late 1977 until late 1978, DK armed forces forcibly transferred Khmer Krom from Kampuchea Krom to Cambodia after launching military incursions into Vietnam.

<sup>502</sup> Kampeang Commune located in Kirivong District: D118/165, Written Record of Interview of Civil Party Applicant Lach Sambath, 5 December 2013, ERN 00980253, A5; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132634, A5; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeurn, 3 December 2013, ERN 00979992, A8; **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A20.

<sup>503</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132634, A5, ERN 01132638-01132639, A44-A46.

<sup>504</sup> **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 November 2009, ERN 00410266, A14; **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166206-01166207, A22-A23, A27, ERN 01166211-01166212, A62-A63, A65-68, A70; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637,-01132638, A28-A30; **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970033-00970034, A58, A61-A62, A65, A67-A68.

<sup>505</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637-01132640, A28, A30, A46-A47.



217. A Khmer Krom Civil Party Applicant, Chau Ny, born in Kampuchea Krom, and moved to Phnom Penh in 1970, heard at an unspecified time from “others” about a November 1975 radio broadcast, announcing that the Vietnamese had to return to Vietnam, while the Khmer Krom had to return to Cambodia.<sup>506</sup>
218. During the first half of 1976, the CPK carried out a series of population exchanges, where thousands of Khmer Krom living in Kampuchea Krom, including elderly people and young children, were exchanged for Vietnamese people living in Cambodia.<sup>507</sup> The Khmer Krom were transferred by lorry, passing near Phnom Den, a mountain on the Cambodian side of the border with Vietnam.<sup>508</sup> Some of those Khmer Krom were from Svay Rompeay Village, Le Tri Commune, Svay Tang District, Kampuchea Krom, as well as Pou Commune in Kampuchea Krom, and were initially resettled in various sites in Tram Kak District, Sector 13, including Khpok Trabaek Commune, Samraong Commune, Popel Commune, and Ta Phem Commune.<sup>509</sup>

<sup>506</sup> **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013 ERN 00970000, A3, ERN 00970002, A8, ERN 00970005, A24, A27-A28; **D6.1.513**, Written Record of Interview of Witness Kim Vun, 28 July 2009, ERN 00365528-00365529.

<sup>507</sup> **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970027 A8-A11, A14; **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452087, lines 14-22; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970005-00970006, A29; **D5/49/3**, Transcript of Hearing on the Substance in Case 002/02 [Tak Sann], 1 April 2015, ERN 01478811, lines 10-14, ERN 01478813, lines 15-16. *See also* **D118/162**, Written Record of Interview of Civil Party Keo Kan, 2 December 2013, ERN 00979984, A11; **D5/49/3.1**, Transcript of Hearing on the Substance in Case 002/02 [Beng Boeun], 2 April 2015, ERN 01478979-01478980; **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 November 2009, ERN 00410266; **D6.1.243**, Report on the enemy’s conditions on May 03, 1977, 3 May 1977, ERN 00322088; **D347/2.1.4**, Confirmation Report from Phan to District Angkar on 8 May 1977, 8 May, 1977, ERN 00742890; **D6.1.750**, The Revolutionary Flag, 1 April 1976, ERN 00517853-00517854.

<sup>508</sup> **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970028, A9-A10; **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452086- 01452087; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970005-00970006, A29. *See also* **D219/901**, Written Record of Interview of Witness Vann Kosal, 25 January 2017, ERN 01517486, A17; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031943, A13; **D219/278**, Written Record of Interview of Witness Seb Reth, 23 April 2015, ERN 01098525, A46; **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116354, A136.

<sup>509</sup> **D118/130**, Written Record of Interview of Civil Party Applicant Ry Pov, 30 October 2013, ERN 00970029, A29, ERN 00970030, A24, A30, A38, ERN 00970036, A81; **D315.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452086-01452087; **D118/209**, Written Record of Interview of Witness UI Houen, 19 March 2014, ERN 00983575, A63.



219. Soon after resettling, most of these Khmer Krom disappeared: they were “*taken for execution in Soam Commune*” or were arrested and then killed at Kraing Ta Chan Security Centre.<sup>510</sup>
220. One witness recalls a meeting in Kus Commune, Tram Kak District, sometime between 17 April 1975 and April 1976, where the commune chairman announced to the village committee, group chairmen, militia representatives, as well as other ‘base’ people, the need to bring back Khmer Krom from Kampuchea Krom to Cambodia in order to “*prevent them from being associated with the Yuon*”.<sup>511</sup> Given the time frame provided by the witness, and that population exchanges between Cambodia and Vietnam took place in the first half of 1976, it is likely that this meeting took place in early 1976.<sup>512</sup> After the meeting, the witness saw two groups of Khmer Krom in chains, taken to Kraing Ta Chan.<sup>513</sup>
221. A CPK document shows that “*228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese*”, of the thousands of exchanged Khmer Krom, were still alive in Popel Commune, Tram Kak District as of May 1977.<sup>514</sup> There is also evidence that a small number of exchanged Khmer Krom worked as labourers throughout Tram Kak District and survived until the end of DK.<sup>515</sup>

<sup>510</sup> **D118/130**, Written Record of Interview of Witness Ry Pov, 30 October 2013, ERN 00970029-00970032, A24, A30, A38, A42, A56. See *Kraing Ta Chan Security Centre*, paras 490-493, 507.

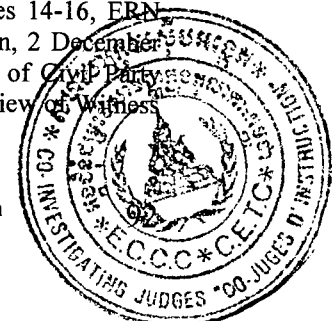
<sup>511</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067048-01067049, A131-A134, A136, ERN 01067056, A186-A189.

<sup>512</sup> See *Killing operations in Sector 13*, paras 216-221.

<sup>513</sup> See *Kraing Ta Chan Security Centre*, para. 491. **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067031, A3, A8, A10, ERN 01067036, A37-A38, A40-A41, A43, ERN 01067040, A67, ERN 01067042, A79-80, ERN 01067046, A110-A113 ERN 01067050-01067051, A143, A147, ERN 01067053, A165-A166, ERN 01067056, A186-A189.

<sup>514</sup> **D347/2.1.4**, Confirmation Report from Phan to District Angkar on 8 May 1977, ERN 00742890.

<sup>515</sup> **D5/49/3**, Transcript of Hearing on the Substance in Case 002/02 [Tak Sann], 1 April 2015, ERN 01478811, lines 10-14, ERN 01478816, lines 5-15; **D5/49/3.1**, Transcript of Hearing on the Substance in Case 002/02 [Yem Khunny], 2 April 2015, ERN 01478996, lines 13-17, ERN 01478997, lines 2-9; **D5/803/3**, Transcript of Hearing on the Substance in Case 002/02 [Yem Khunny], 3 April 2015, ERN 01483600, lines 14-16, ERN 01483601, lines 2-6; **D118/162**, Written Record of Interview of Civil Party Applicant Keo Kan, 2 December 2013, ERN 00979984, A11, A13-A14, A17. See also **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970006, A30; **D118/130**, Written Record of Interview of Witness Ry Pov, 30 October 2013 ERN 00970024-00970037.



*Khmer Krom forcibly transferred from Kampuchea Krom to DK by the DK Military*

222. From late 1977 until late 1978 the DK military made incursions into Kampuchea Krom and forcibly transferred large numbers of Khmer Krom into DK.<sup>516</sup>
223. During this time official DK radio broadcast propaganda about the need to evacuate the Khmer Krom from Kampuchea Krom to DK due to Vietnamese persecution.<sup>517</sup>
224. Entire villages and communes in Kampuchea Krom, where Khmer Krom had been the majority, were emptied by the CPK during these military operations.<sup>518</sup> Witnesses describe Khmer Krom being forced to leave the following villages and communes located in An Giang Province, Kampuchea Krom (which bordered Sector 13 of DK):
- i. Yang Yav Commune, Svay Tang District, in early 1978,<sup>519</sup>
  - ii. Ampeay Svay Village, Le Tri Commune, Tinh Bien District in early 1978,<sup>520</sup>
  - iii. Kouk Ampil Village, Le Tri Commune, Svay Tang District, in April 1978,<sup>521</sup>

<sup>516</sup> Late 1977: D219/379, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132640, A54. Early 1978: D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30; D118/203, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4; D219/49, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053682, A17; D118/233, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055575, A9; D118/132, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970056, A17; D118/164, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980243-00980244, A11-A12. Mid 1978: D118/253, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A5; D219/450, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148853, A9; D219/98, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077059, A16-A17; D118/163, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991, A4, ERN 00979994-00979995, A26, A31. Late 1978: D118/291, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836, A13-15. *See also* D219/358, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116355, A144-A145 (stating 1977 to 1978); D219/449, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1; D219/482, Written Record of Interview of Civil Party Applicant Lach Sem, 28 August 2015, ERN 01178462, A1.

<sup>517</sup> D6.1.513, Written Record of Interview of Witness Kim Vun, 28 July 2009, ERN 00365528-00365529.

<sup>518</sup> D118/233, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055575, A6, ERN 01055578, A28; D118/291, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836-01031837, A11, A16; *See also* D118/128, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30.

<sup>519</sup> D118/132, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970055-00970056, A13, A16-A17; D118/164, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980243-00980244, A11-A12.

<sup>520</sup> D118/203, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4-A6.



- iv. Veal Preah Keo Village, Peam Buon Commune, Svay Tang District, in March or April 1978,<sup>522</sup>
- v. Bachuk/Ba Chuc Commune, Le Tri Commune, Anki Commune, Vinh Trung Commune, and Yang Yao Commune, in April 1978,<sup>523</sup>
- vi. Cheung Kou Village, Ang Keu Commune, Svay Tang District, in May 1978,<sup>524</sup>
- vii. Phnum Ansang Village, Yeang Yov Commune, Tinh Bien District, in mid-1978,<sup>525</sup>
- viii. Ka Pav Village, Sin Tau Commune, Tinh Bien District, in mid-1978,<sup>526</sup>
- ix. Ba Chuc Commune in July or August 1978,<sup>527</sup> and
- x. Yang Yav Village, Yang Yav Commune, in late 1978.<sup>528</sup>

225. Witnesses provide a wide range of estimates of the number of Khmer Krom forced to relocate during specific operations, including between 20 to 30 families, 'hundreds', 600 to 800, 1,000, 10,000, and 'tens of thousands' of people.<sup>529</sup> Given the variance of estimates and the uncertainty as to how many operations occurred, it is not possible to ascertain the total number of Khmer Krom that were forcibly transferred, but the

<sup>521</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574-01055575, A2, A9.

<sup>522</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681-01053683, A4, A17-A18, A23-A26, A29, ERN 01053686, A50.

<sup>523</sup> **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30.

<sup>524</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991-00979992, A4, A12.

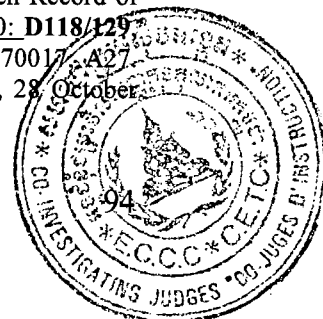
<sup>525</sup> **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148850, ERN 01148853, A9.

<sup>526</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077058-01077059, A7-A8, A16-A17.

<sup>527</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994-00979995, A26, A31.

<sup>528</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031834, ERN 01031836, A13-A16.

<sup>529</sup> 20 to 30 families: **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077061, A25-A26. 'Hundreds': **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A27-A28. 600 to 800: **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979992, A10. 1,000: **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN: 00970043, A19. 10,000: **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970017, A27. 'Tens of thousands': **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30.





number is likely to be at the very least in the high thousands. One civil party applicant states that he was forcibly transferred, along with “170,000 families, around half a million people” into Cambodia via Phnom Den in April 1978, but this number is unreliable due to the civil party applicant’s limited opportunity for arriving at such an uneven number count, and likely to be excessive given that he refers to the population of only “around five or six communes”.<sup>530</sup>

226. During the process of forcing Khmer Krom populations to leave their homes in Kampuchea Krom, CPK soldiers appealed to the common history between the ethnic Khmer and Khmer Krom groups,<sup>531</sup> told Khmer Krom that the Vietnamese would kill them if they did not leave Kampuchea Krom,<sup>532</sup> and assured them that they would not suffer food shortages in Cambodia.<sup>533</sup> Khmer Krom were also threatened with death, and sometimes killed, if they did not comply with the soldiers’ orders to leave.<sup>534</sup> The soldiers also destroyed Buddhist temples and statues, as well as the houses of the Khmer Krom forced to depart.<sup>535</sup> Only a few Khmer Krom successfully escaped being relocated.<sup>536</sup>

<sup>530</sup> **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970055-00970058, A17-A35.

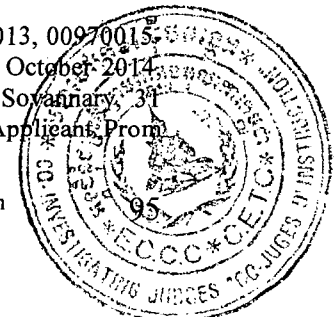
<sup>531</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A21; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A45.

<sup>532</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053684, A30; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031838, A30-A31.

<sup>533</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A21; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985588, A11. *See also* **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836, A13, ERN 01031844, A73; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970007-00970008, A35.

<sup>534</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991-00979992, A6; **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN 00970041, A7-A11; **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, 00970015-00970016, A19, A22; **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A22; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A3; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053684, A32; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574, A2, ERN 01055576, A14; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970056, A18; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942-01031943, A5, A8; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836-01031837, A16; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970006, A30.

<sup>535</sup> **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, 00970015-00970016, A19; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053684, A34; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970056, A22; **D118/163**, Written Record of Interview of Civil Party Applicant Prom



227. Entire families were forced to move, including pregnant women, children, the elderly, and people with disabilities; relocated monks were forced to disrobe.<sup>537</sup> The Khmer Krom were mostly forced to walk, often for many days, from their homes in Kampuchea Krom to Cambodia;<sup>538</sup> some managed to travel by ox-cart.<sup>539</sup> They were provided little or no food or medicine during the journey.<sup>540</sup> Some Khmer Krom were kicked or stabbed by DK soldiers;<sup>541</sup> others were killed by stepping on landmines.<sup>542</sup>
228. The journey from Kampuchea Krom to Cambodia involved a transit near Phnom Den in Sector 13.<sup>543</sup> In some cases, Khmer Krom also stopped at Preil Village, close to the current border with Vietnam, for two or three days before moving onwards.<sup>544</sup> In Preil

Saroeun, 3 December 2013, ERN 00979992, A9; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970006, A30.

<sup>536</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A26; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031841, A47.

<sup>537</sup> Pregnant Women: **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1. Children: **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077059-01077060, A17- A18; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985588, A15; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A4-A5; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031841, A48. Elderly: **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970057, A33. People with disabilities: **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970057, A27. Disrobed Monks: **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970057, A25; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942-01031943, A5, A8, A12; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970007, A31.

<sup>538</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842, A61; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A5, A15; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985589, A19, A21; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970057, A27; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991, A5; **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A20.

<sup>539</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985589, A19.

<sup>540</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077059, A17; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970057, A30.

<sup>541</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055580, A38.

<sup>542</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055576, A15.

<sup>543</sup> **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN 00970043, A26; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A5; **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A20; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A46; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970056, A17; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991, A8; **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980245, A18.

<sup>544</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985584-00985586-00985587, A4-A5, ERN 00985591, A33; **D219/449**, Written Record of Interview of Civil Party Applicant Yem



Village a small minority of those Khmer Krom were conscripted into the military, based in Wat Preil<sup>545</sup> to form a special regiment of Khmer Krom soldiers to fight the Vietnamese, as part of Division 250.<sup>546</sup> Given that most arrivals found the village to be empty except for the military personnel stationed at Wat Preil, it can be assumed that most of the Khmer Krom were moved on within days,<sup>547</sup> though there are also instances where Khmer Krom were killed in, or disappeared from Preil Village.<sup>548</sup>

229. Most of the Khmer Krom were eventually taken<sup>549</sup> to various sites in Kirivong District, Sector 13, Southwest Zone,<sup>550</sup> including Andoung Chrung Village,<sup>551</sup> Kampeang

Yorn, 6 August 2015, ERN 01151127, A1; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574-01055575, A2, A9, ERN 01055578, A25; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031834, ERN 01031836, A13-A16, ERN 01031842, A58-A59; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681-01053683, A4, A17-A18, A23-A26, A29, ERN 01053686, A50; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994-00979995, A26, A31.

<sup>545</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A47-A48. *See also* **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053690, A81; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A6.

<sup>546</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053682, A16-A17, ERN 01053692-01053693, A91-A107; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170598, A140-A141; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A48; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574-01055575, A3, A10, 01055581-01055582, A48, A53.

<sup>547</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842, A63; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A6, A13; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055579-01055580, A37. *Cf.* **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985591, A36-A37 (stating that villagers were living in Preil Village).

<sup>548</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055577-01055579, A19-A34; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A44-A45, ERN 01178467, A77; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031843-01031845, A69, A71, A83-A84; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994-00979995, A30; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053682, A17, ERN 01053694-01053695, A109-A111, A113-A116; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031948, A59.

<sup>549</sup> **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980244-00980245, A15, A18; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979992-00979993, A8, A14; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970058, A42. *See also* **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A19-A21.

<sup>550</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A25-A26; **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980245, A18-A19; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN: 00970006-00970007, A30; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4-A5, ERN 00985593, A56, ERN 00985598, A95; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A6, A13; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970058, A42; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574-01055575, A2, A9, ERN 01055578, A25.



Village,<sup>552</sup> Chrak Chi Koam Village,<sup>553</sup> Chi Mreak Village,<sup>554</sup> and Wat Angkun<sup>555</sup> in Kampeang Commune, and Slaeng Village<sup>556</sup> in Kouk Prech Commune.

230. After being resettled, the Khmer Krom were then assigned to labour units.<sup>557</sup> Given that none of the witnesses speak about any further resettlement or movement, it can be

2014, ERN 01055581, A49-A50; **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, 00970018, A40; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970426, A33; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379169; **D219/358**, Written Record of Interview of Witness Mul Luon, 8 June 2015, ERN 01116355, A142, A148. *See also* **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132640, A54.

<sup>551</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985598, A95. *See also* **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045529, A88-A91.

<sup>552</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077060, A25-A26; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151129, A12. *See also* **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970018, A40.

<sup>553</sup> **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980244-00980245, A15, A18.

<sup>554</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979992, A8.

<sup>555</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985604, A140; **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148853, A9; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178463-01178464, A5, A8, A21-A22.

<sup>556</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1; ERN 01141130-01151131, A15, A26; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031847, A101, ERN 01031855, A161-A162; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031942, A4-A5, ERN 01031944, A21, ERN 01031947, A49. *See Slaeng Village Forest Execution Site*, para. 557.

<sup>557</sup> Andoung Chrung Village: **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985598, A97. Kampeang Village: **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077065, A50. Chrak Chi Koam Village: **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980245, A20. Chi Mreak Village: **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991-00979993, A4, A8, A10, A14. Slaeng Village: **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031850-01031853, A126, A129-A130, A138, A142; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178466, A64; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151131, A23; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A23-A24, ERN 01031947, A49; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985593, A51, ERN 00985596, A78. *See Slaeng Village Forest Execution Site*, para 558. Wat Angkun: **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970017-00970018, A28, A39, ERN 00970020-00970021, A57, A64; **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148853, A9; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178463, A5, A8, 01178464, A21-A31; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031949, A69, ERN 01031951, A81-A82; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985604, A140. *See also* **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637-01132639, A27, A39-A41, A43, ERN 01132640, A54. **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055587, A85, ERN 01055592-01055593, A126-A128.



inferred that most of the transferred Khmer Krom remained in these villages until the end of DK.<sup>558</sup>

231. Upon being transferred to these areas from Kampuchea Krom, the Khmer Krom were unable to disguise their identity and were treated differently from the residents that already lived in the area: for example, they were forced to work harder,<sup>559</sup> and eat separately from the rest of the residents.<sup>560</sup>
232. At a self-criticism meeting in Slaeng Village, Kouk Prech Commune, Kirivong District in 1978, the “*Khmer Rouge*” warned the Khmer Krom in Slaeng Village not to try to flee to Vietnam; Khmer Krom who fled to Vietnam were considered as “*people with Vietnamese heads on Khmer bodies*”, who had to be eliminated without exception.<sup>561</sup>
233. One witness claims that the CPK “*mainly targeted the new Khmer Krom people*”, i.e. those exchanged or deported from Kampuchea Krom, as opposed to the Khmer Krom who had already been living in the Southwest Zone before.<sup>562</sup> One witness, who worked as a “*militiaman*” in Kouk Prech Commune from 1977 to 1978, states that between late 1977 and early 1978, “*hundreds of Khmer Kampuchea Krom*”, i.e. Khmer Krom recently transferred to villages in Kouk Prech Commune, were killed.<sup>563</sup> The witness himself observed multiple killings of Khmer Krom men, women and children, all of whom were killed soon after their arrival in Kouk Prech Commune.<sup>564</sup>

<sup>558</sup> **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980248-00980249, A40; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151130, A15; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031855, A161.

<sup>559</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077065, A51; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970059, A46; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178467, A79; **D118/164**, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980245, A23. Cf. **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151134, A43.

<sup>560</sup> **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 31 October 2013, ERN 00970059, A48.

<sup>561</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031951, A84.

<sup>562</sup> **D118/181**, Written Record of Witness Interview of Witness Riel Son, 18 February 2014, ERN 00982646, A97-A98.

<sup>563</sup> **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076890-01076891, A2; **D219/109**, Written Record of Interview of Witness You Phnom, 2 December 2014, ERN 01081741, A14; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139573, A183. See also **D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168036, A51-A52.

<sup>564</sup> **D219/109**, Written Record of Interview of Witness You Phnom, 2 December 2014, ERN 01081741, A14.



234. There is no further evidence of mass killing of Khmer Krom deportees, although there is evidence that Khmer Krom deportees suffered ill-treatment, and were sporadically killed or disappeared, or died due to the lack of medical care, at the following locations: Andoung Chrung Village, Chi Mreak Village, Chrak Chi Koam Village, Kampeang Village, Slaeng Village, Wat Angkun, and Wat Pratheat Security Centre.<sup>565</sup>

#### 5.2.1.6 Killing operations in Sector 1

##### *Sangkae District*

235. In late 1977, in Svay Kang Village, Anlong Vil Commune, Sangkae District, Southwest Zone cadres held meetings during which the targeting of Khmer Krom was discussed in the terms that “*they would not keep the Khmer Krom. They would beat them to death. ... They planned to kill all the Khmer Krom*”.<sup>566</sup>

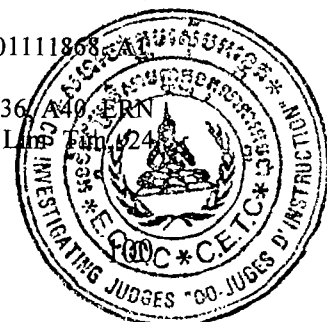
236. At a meeting at Battambang University in March 1978, **Yim Tith** warned against the threat of the Vietnamese burning down the Kampong Kol Sugar Factory.<sup>567</sup>

237. After the Southwest Zone cadres arrived, Khmer Krom in Boeng Kak Village, Kantueu Cooperative, Kantueu Commune, Sangkae District were arrested and sent to the Tonle Sap Lake for re-education on accusation of being a “*Vietnamese link*”. Later, at an

<sup>565</sup> Andoung Chrung Village: D118/305, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045528, A84, A87, A90-A93; D118/203, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985600, A110. Chi Mreak Village: D219/98, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077065, A52-A53. Chrak Chi Koam Village: D118/164, Written Record of Interview of Civil Party Applicant Pen Heang, 4 December 2013, ERN 00980245, A23. Kampeang Village: D219/98, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077061, A26-A27, ERN 01077066-01077067, A58-A69. *See also D118/129*, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, 00970019, A43. Slaeng Village: D118/291, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031854-01031855, A154, A161; D118/253, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031946-01031947, A45; D118/203, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985595, A78-A80. *See also D219/449*, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151130, A17. *See Slaeng Village Forest Execution Site*, paras 560-564. Wat Angkun: D118/253, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031950-01031951, A77, A81; D219/450, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148851-01148853, A1-A8. *See also D118/203*, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985601, A118; D118/129, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970020-00970021, A55-A58, A65. Wat Pratheat Security Centre: See Wat Pratheat Security Centre, paras 443-462.

<sup>566</sup> D219/299, Written Record of Interview of Witness Mak Met, 1 May 2015, ERN 01111866-01111868, A8-A11.

<sup>567</sup> D219/649, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207436, A40, ERN 01207440-01207441, A62, A64, A69; D118/108, Written Record of Interview of Witness Lin Tim, 24 September 2013, ERN 00976924-00976925, A17-A18, A22.



unspecified time, hundreds of Khmer Krom from the same village were instructed to catch fish at the Tonle Sap Lake and then disappeared.<sup>568</sup>

*Banan District*

238. At another meeting, in late 1978, in Enteak Chit Village, Chheul Teal Commune, Banan District, Southwest Zone cadres referred to a *“purge of the Khmer Kampuchea Krom. They said the Khmer Kampuchea Krom had Yuon brains.”*<sup>569</sup>
239. After the arrival of the Southwest Zone cadres, in Tuol Chreaneang Village, Bay Damram Commune, Banan District, a witness states that her mother, who was accused of being *“Yuon”*, was taken away by ox-cart together with other members of her family after being told they were being transferred to make fermented fish at another river, and they never returned.<sup>570</sup>
240. In mid-1978, killings took place in the area of Banan Security Centre where people accused of *“being part of the Vietnamese networks”* were ordered to work at a *“fish cleaning place called Norea”* but were never seen again. A witness states that the *“Vietnamese”* were treated differently in each commune: *“in Chhoeur Teal Commune and Bay Damram Commune, the Vietnamese were rounded up and sent away. Not even a single Vietnamese remained”* while *“in Kanteu Commune, some Vietnamese people were able to survive until the end of the Khmer Rouge regime”*.<sup>571</sup>
241. In mid-1978, a Vietnamese witness was arrested in Doung Village, Chheu Teal Commune, Banan District and taken to the Khnang Kou Security Office where she was interrogated for being Vietnamese. She claimed to be of Chinese descent and was released several months later.<sup>572</sup>

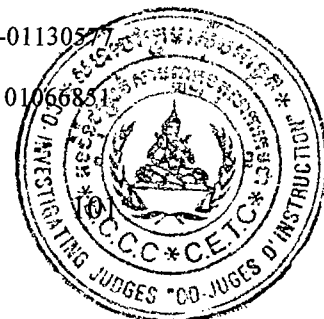
<sup>568</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974993, A3, ERN 00975000, A64-A70.

<sup>569</sup> **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135150-01135151, A3-A5, ERN 01135154-01135155, A24, A28-A30.

<sup>570</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123-01135124, A4-A5, A8, ERN 01135127-01135128, A22-A26.

<sup>571</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130576-01130577, A9-A13.

<sup>572</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066851-01066853, A1-A2, A4-A5.



*Koas Krala District*

242. One witness indicates that at Phum Thipakdei, Khmer Krom were treated similar to regular Khmer and that the cadres in charge “*did not care [they] were related to the Yuon*”, and only when a person was actually “*Yuon*” would they be arrested.<sup>573</sup> However, one witness heard from the “*elders*” that CPK cadres had a plan to kill the Khmer Krom which was postponed due to the arrival of the East Zone people<sup>574</sup> or the fact that they “*ran out of time*”, ostensibly because the Vietnamese forces had arrived.<sup>575</sup>

5.2.1.7 *Killing operations in Sector 2*

243. A Southwest Zone cadre appointed to the Samraong Cooperative Committee in mid-1977 describes monthly meetings at the Bakan District Office, attended by other cooperative committees and chaired by the Bakan District Committee, during which the killing of CPK enemies was discussed.<sup>576</sup> At these meetings, District Committee Members Sek Sam At alias Yeay Rim (who arrived from the Southwest Zone in the area around mid-1977 and successively held the position of Member, Secretary, and Deputy Secretary of the Bakan District Committee)<sup>577</sup> and Yeay Ren announced that “*most Khmer Krom are traitors*” who needed to be “*swept clean*”.<sup>578</sup> These meetings began no later than mid-1977, when Ren was replaced as District Secretary by Yeay

<sup>573</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050488, A157. See also **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025277, A70, ERN 01025280-01025281, A90, A93-A94.

<sup>574</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056863, A153-A156.

<sup>575</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166175-01166176, A61, A64-A65, A67.

<sup>576</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047773, A43, ERN 01047777-01047779, A70-A71, A79-A85, ERN 01047788-01047789, A153-A154.

<sup>577</sup> **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 03 March 2010, ERN 00491348-00491349, A3; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185829, A29; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088597, A52; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088583-01088586, A1110-A112, A120, A135, A147; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104748, A34; **D118/122**, Written Record of Interview of Witness Thoek Bun Roewn, 08 October 2013, ERN 00975863, A14; **D118/170**, Written Record of Interview of Witness Sek Sam At, 16 January 2014, ERN 00980004-00980005, A36-37; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 08 November 2016, ERN 01364076, A29, ERN 01364079, A59; **D219/590**, Written Record of Interview of Witness Long Khlorok, 06 November 2015, ERN 01178803, A40; **D219/586**, Written Record of Interview of Witness Khun Mom, 03 November 2015, ERN 01178713, A117-118.

<sup>578</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047782, A86-A89, A93, A95, A104.





Rim from the Southwest Zone,<sup>579</sup> and continued to be chaired by Ta Pheng after he replaced Yeay Rim as District Secretary in mid-1978.<sup>580</sup> A meeting was first held “to collect and place the Khmer Krom in one location”, and then three to four months later another meeting was organised to plan “a clean sweep of the Khmer Krom”, after which “all the Khmer Krom disappeared”.<sup>581</sup> In one of these meetings, the witness was also told to round up the Khmer Krom to send them to Khnar Totueng,<sup>582</sup> an area where many Khmer Krom were later killed.

244. The policy to eliminate the Khmer Krom was disseminated throughout the CPK hierarchy in Sector 2, both through speeches and written instructions, in large part by Yeay Rim.<sup>583</sup> In many instances, announcements or discussions about the targeting of Khmer Krom were immediately or soon after followed by CPK cadres rounding up Khmer Krom to be killed.<sup>584</sup>

245. The policy to kill the Khmer Krom was also disseminated throughout Bakan District by other cadres at cooperative level meetings. Witnesses describe how, after meetings at the district and sector levels, meetings were then convened with cooperative level cadres to disseminate the upper echelon’s policy with regard to the Khmer Krom re-

<sup>579</sup> **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 08 November 2016, ERN 01364076, A29, ERN 01364082-01364083, A84-A98; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088597, A48, ERN 01088599, A66-A67.

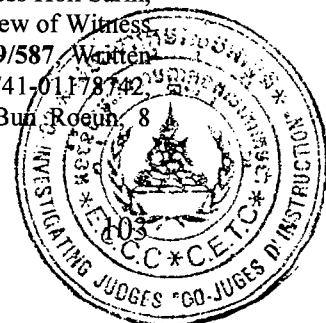
<sup>580</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047777, A66-A67. See also **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 08 November 2016, ERN 01364079, A59; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567, A99.

<sup>581</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047782, A105; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440-01106442, A111-A117, A128-A131; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986700, A70-A71, A80, A90, A93. See also paras 249-250; *Tuol Seh Nhav Execution Site*, paras 797-809; *Prey Krabau Execution Site*, paras 811-825.

<sup>582</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047781, A100-A104.

<sup>583</sup> **D219/842**, Written Record of Interview of Witness Lam Savuon, 5 October 2016, ERN 01485110-01485111, A7-A8, A17, A30-A31; **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876118, A2, ERN 00876120, A19-A20; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185828-01185829, A22, A28, ERN 01185832, A46-A47, ERN 01185834-01185837, A62-A64, A73-A78, A81-A83.

<sup>584</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047781, A100; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491353-00491354, A18; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986700, A70-A71, A80, A90, A93; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213364-01213365, A55, A59-A66; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031957-01031960, A38-A39, A52, A62, A65-A71A76; **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178730, A46, ERN 01178741-01178742, A133-A146, A146; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roem, 8 October 2013, ERN 00975866, A45-A46.



iterating their alleged links to Vietnam and Vietnamese identity, and that they should be eliminated because of that.<sup>585</sup>

246. Starting in either 1976 or 1977, workers in Srong Cooperative attended daily and monthly meetings held at the worksite and communal dining hall in Kouk Rumlo village, Srong Cooperative, Bakan District.<sup>586</sup> At these meetings, the cooperative committee and section chiefs repeatedly discussed “enemies”, which included the Khmer Krom,<sup>587</sup> and informed the participants, which sometimes consisted of 30 people of various ranks, including low level cadres and ordinary civilians, of a plan from *Angkar* to kill all Khmer Krom men, as it would be easier to deal with a possible Khmer Krom rebellion if all the men had been killed, and then kill the women and children later.<sup>588</sup>
247. A worker in Trapeang Chong Cooperative, Bakan District, recalls attending a meeting in December 1977 at “*Kaoh Run Village*” in Srong Cooperative, Bakan District.<sup>589</sup> There it was announced that that “[t]here are two million Khmer Krom, all of whom are Yuon spies. For this reason, upon their return, all of them have to do their biographies for *Angkar*”.<sup>590</sup> Yeay Rim was present at the meeting but was not the speaker, the identity of whom is unknown.<sup>591</sup> The audience were “unit leaders and

<sup>585</sup> **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031788, A55-A58, ERN 01031793-01031794, A91-A92, A94-96; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207571, A116-118, ERN 01207573, A130; **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104764-01104765, A64-A69, A72, A74-A75; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116100, A20, ERN 01116106, A87-A88; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106429-01106430, A16-A18, A21-A24, ERN 01106435, A68-A72, ERN 01106440-01106442, A111-A117, A125-A126, A128-A131; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986700, A70, A73, A75-A76, A80, A85, A90, A93. *See also* **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876118, A2, ERN 00876121, A25-A26.

<sup>586</sup> **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104764-01104765, A64-A69, A74; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116100, A20, ERN 01116106, A87-A88. Alternative transliteration: Sraong.

<sup>587</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116106, A87-A88.

<sup>588</sup> **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104764, A64-A69, ERN 01104765, A72, A75.

<sup>589</sup> Alternative transliteration: Koh Run. **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A70, A73, ERN 00986699, A85. *See also* **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106429-01106430, A16-A18, A21-A24, ERN 01106435, A68-A72, ERN 01106440-01106442, A111-A117, A125-A126, A128-A131. **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876118, A2, ERN 00876121, A25-A26.

<sup>590</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A70, A73, ERN 00986699, A85.

<sup>591</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A73.



other leaders".<sup>592</sup> After this meeting, biographies were taken and from early to mid-1978, Khmer Krom were separated from the rest of the population and transferred, including the witness and her parents, to Khnar Totueng Cooperative where many were eventually killed.<sup>593</sup>

248. From December 1977, thousands of Khmer Krom were screened throughout Bakan District<sup>594</sup> following a meeting at Koh Run Village, Srong Cooperative, during which unit leaders were instructed to compile biographies for *Angkar*.<sup>595</sup>

249. At the end of 1977, and throughout 1978, groups of Khmer Krom numbering in the hundreds to thousands<sup>596</sup> were transferred from their villages<sup>597</sup> throughout Bakan District to Tuol Seh Nhauv and Prey Krabau in Khnar Totueng Commune.<sup>598</sup> The villages that had their Khmer Krom population transferred to Khnar Totueng included:

<sup>592</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986697, A75-A76.

<sup>593</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986700, A70-A71, A80-A81, A86, A90, A93. See *Tuol Seh Nhauv Execution Site*, paras 797-809; *Prey Krabau Execution Site*, paras 811-825.

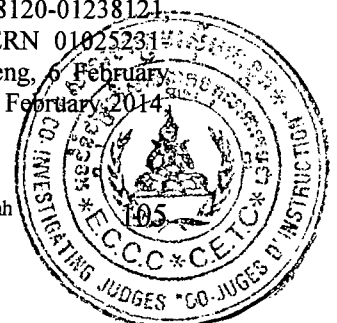
<sup>594</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986697-00986698, A70-A71, A73, A80-A81. See also **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975865, A39-A40; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830-00981831, A24-A25, A27.

<sup>595</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A70-A71.

<sup>596</sup> **Hundreds: D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752, A57; **D219/733**, Written Record of Interview of Witness Kem Phen, 22 March 2016, ERN 01238120-01238121, A57-A61 **D219/639**, Written Record of Interview of Witness Keo Meur, 5 January 2016, ERN 01198192, A83-A87. See also **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185, A65-A71, ERN 00986186, A72-A73. **Thousands: D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A17; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864, A29-A30; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031960, A78; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981765, A73; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830, A17-A18; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986207, A11; **D118/241**, Written Record of Interview of Witness Thach Sokh, 19 May 2014, ERN 01040499, A62-A63; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025250, A66-A67. **Tens of Thousands: D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN 01033059, A88; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981787, A39.

<sup>597</sup> **D118/127**, Written Record of Interview of Civil Party Pov Sinuon, 10 October 2013, ERN 00979970, A19; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830, A17-A19; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864-00975865, A31-A34, A37; **D118/241**, Written Record of Interview of Witness Thach Sokh, 19 May 2014, ERN 01040499, A62-A64.

<sup>598</sup> **D219/733**, Written Record of Interview of Witness Kem Phen, 22 March 2016, ERN 01238120-01238121, A57-A61; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025231, A22-A24, A29-A36; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981787, A39; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981831-00981832, A30.



Rumlech, Bak Meaek, Rong Ta Kok, Ou Ta Paong, Svay Doun Keo, Poulyum, and Trapeang Chorng.<sup>599</sup>

250. Most of the Khmer Krom sent to Khnar Totueng were killed at Prey Krabau and Tuol Seh Nhauv.<sup>600</sup> Some Khmer Krom sent to Khnar Totueng were killed straight away while others were forced to perform labour for at least a few months before being killed.<sup>601</sup> One witness states some Khmer Krom women were taken to be killed at a sugarcane plantation near Ta Lou Commune.<sup>602</sup>
251. Khmer Krom killings occurred in three successive stages; although evidence is somewhat inconsistent as to the details of these three stages, it does indicate that stronger men were killed first and that women, children, the infirm, and Khmer spouses of Khmer Krom were killed in successive stages.<sup>603</sup>
252. Before being taken away, Khmer Krom were accused by CPK cadres of being 'Yuon', having connections with the Vietnamese, and having a "Yuon's head with Khmer body".<sup>604</sup>

<sup>599</sup> Rumlech Commune: D118/1, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A17; D118/122, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864, A28-A31. *See also* D118/123, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875-00975876, A21-A22; D118/188, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986676, A39-A40; D118/173, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981756, A7, ERN 00981760, A40-A41. Trapeang Chorng: D219/733, Written Record of Interview of Witness Kem Phen, 22 March 2016, ERN 01238120, A57. Svay Daun Keo: D219/692, Written Record of Interview of Witness Chhuon Hai, 17 February 2016, ERN 01215979, A48, A56. Bak Meaek, Rong Ta Kok, Ou Ta Paong, Poulyum: D118/241, Written Record of Interview of Witness Thach Sokh, 19 May 2014, ERN 01040499, A62-A63; D118/127, Written Record of Interview of Civil Party Pov Sinuon, 10 October 2013, ERN 00979970, A17, A19.

<sup>600</sup> *See Tuol Seh Nhauv Execution Site*, paras 797-809; *Prey Krabau Execution Site*, paras 811-825.

<sup>601</sup> D118/175, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981834-00981835, A52-A55; D118/226, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752, A59; D219/692, Written Record of Interview of Witness Chhuon Hai, 17 February 2016, ERN 01215977-01215978, A24-A28; D219/639, Written Record of Interview of Civil Party Applicant Keo Meur, 5 January 2016, ERN 01198193, A90-A91.

<sup>602</sup> D118/257, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031957-01031958, A42-A46.

<sup>603</sup> D219/221, Written Record of Interview of Witness [REDACTED] Sieng, 10 March 2015, ERN 01104758, A25, ERN 01104764-01104765, A64-A65, A75; D118/191, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986718, A72-A74; D118/122, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975865, A38; D118/188, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677, A48; D118/193, Written Record of Interview of Witness Vorn Moch, 27 February 2014, ERN 00986200, A66.

<sup>604</sup> D118/122, Written Record of Interview of Civil Party Thoek Bun Roeun, 8 October 2013, ERN 00975866, A45; D118/123, Written Record of Interview of Civil Party Thoek Yoeun, 8 October 2013, ERN 00975867, A12; D118/175, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981834, A101; D118/241, Written Record of Interview of Witness Thach Sokh, 19 May 2014, ERN 01040500, A70; D118/278, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031793-01031794, A92.



253. Many of the Khmer Krom were tricked by being told that they were being transferred to a new work location when, in fact, they were being taken to be killed.<sup>605</sup> They were transported by ox-cart or had to walk to Khnar Totueng in long lines.<sup>606</sup> Several witnesses recount Khmer Krom disappearing from their villages followed by their clothes being redistributed.<sup>607</sup>
254. Just before the arrival of the Vietnamese troops, one witness in Khnar Totueng Village found a one or two page document in a “communal house” that housed the unit chiefs, which read: “we have to kill all the Khmer Krom. We have to kill them because the Yuon are now coming to liberate them”.<sup>608</sup> The witness does not recall the author of the document; however, she believes it to be a document “by the upper echelon to the lower echelon” given the neatly-typed appearance of the document.<sup>609</sup>
255. In addition to being taken to killing sites in Khnar Totueng, Khmer Krom were also arrested from Rumlech Commune and sent to Phum Veal Security Centre in Roathel

A96; **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079324, A82; **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117689, A83.

<sup>605</sup> Harvesting vegetables: **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677-00986678, A49, A54, A57-A58; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025231-01025232, A23-A24, A29; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975866-00975867, A48; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981764, A70; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986718-00986719, A71-A76; **D118/215**, Written Record of Interview of Civil Party Applicant Chea Aun, 2 April 2014, ERN 00985627-00985628, A28; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981789-00981790, A53, A55-A57; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185, A65; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025253, A79. Changing place/battlefield: **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207561, A40; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031958, A45-A46; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A60-A61, ERN 01055755, A77; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213365, A67-A69; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835, A55; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979973, A33, ERN 00979975, A43.

<sup>606</sup> **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 April 2014, ERN 00986186-00986187, A79; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835-00981836, A58.

<sup>607</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835-00981836, A55-A58; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835-00981836, A55-A58; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116103, A47, ERN 01116104, A56; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 April 2014, ERN 00986185, A65-A67.

<sup>608</sup> **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079316, A27; ERN 01079324-01079325, A82, A85-A88, A89-A90.

<sup>609</sup> **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079326, A90-A91.



Village, Ta Lou Commune, Bakan District.<sup>610</sup> In 1977 all Khmer Krom detained were transferred to Prey Krabau or Tuol Seh Nhauv to be killed.<sup>611</sup>

256. Khmer Krom were also sent to Svay Chrum Security Centre, however evidence regarding the timing, number of Khmer Krom prisoners, and where they were transferred from is unclear.<sup>612</sup>

257. The targeting of Khmer Krom at Prey Krabau and Tuol Seh Nhauv Killing Sites, Svay Chrum Security Centre, and Phum Veal Security Centre is discussed in those sections below.

#### 5.2.1.8 *Killing operations in Sector 4*

##### *Daun Try/Moung Ruessei District*

258. In 1977, in Prey Khlout Village, Prey Tralach Commune, Daun Try/Moung Ruessei District, Khmer Krom were singled out and taken to be killed at Prey Tralach Village having been falsely told that they were going to build dams. According to a civil party applicant who saw the events first-hand on multiple occasions, they had to walk in lines to Prey Tralach Village and then were hit on the back of their heads with clubs, and their bodies were thrown into pits.<sup>613</sup>

259. There was a significant population of Khmer Krom in both Kampong Prieng and Reang Kesei Communes in Daun Try District;<sup>614</sup> one witness estimates that during DK

<sup>610</sup> See *Phum Veal Security Centre*, paras 747-770. See also **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387494-00387495.

<sup>611</sup> See *Phum Veal Security Centre*, para. 769. **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976593, A77-A79. See also **D118/124**, Written Record of Interview of Civil Party Applicant Kim So, 9 October 2013, ERN 00975893, A64.

<sup>612</sup> See *Svay Chrum Security Centre*, paras 777-778. See also **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066758-01066759, A13, A16-A19.

<sup>613</sup> **D118/200**, Written Record of Interview of Civil Party Applicant Ruos Ny, 12 March 2014, ERN 00985119, A11-A14, ERN 00985124, A47-A52.

<sup>614</sup> **D219/408**, Written Record of Interview of Witness Sek Chaot, 4 July 2015, ERN 01142869, A26-A27; **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152264, A41; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493011-01493012, A12-A14; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A88; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5; **D219/414**, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135060, A4; **D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135048, A3; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067737, A63; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116066, A22; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111932, A6; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072546, A59.



approximately 1,000 Khmer Krom families, each of which had four or five members, lived in Reang Kesei Commune,<sup>615</sup> and other witnesses from the area state that Khmer Krom had lived in these two communes for many years before 17 April 1975.<sup>616</sup> By the end of DK, there was a significant decrease in the population of Khmer Krom in both Kampong Prieng Commune<sup>617</sup> and Reang Kesei Commune.<sup>618</sup>

260. In these two communes, Khmer Krom were targeted and killed under both Northwest Zone and Southwest Zone administrations.<sup>619</sup>

261. One Khmer Krom civil party applicant who worked at several sites in Sector 4 describes attending a meeting at an unstated location in the sector at some point after

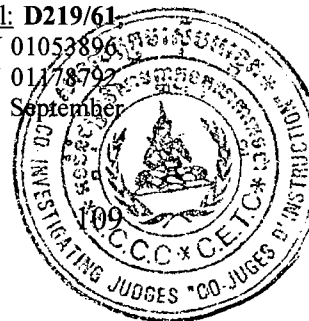
<sup>615</sup> **D219/408**, Written Record of Interview of Witness Sek Chaot, 4 July 2015, ERN 01142869, A26.

<sup>616</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A88; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931, A5; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168078-01168079, A95, A97; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050592-01050593, A83-A84; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493011-01493012, A12. *Contra* **D219/238**, Written Record of Interview of Civil Party Applicant Phan Sarang, 25 March 2015, ERN 01092944-01092945, A42, A44.

<sup>617</sup> **D219/394**, Written Record of Interview of Witness Riem Dy, 24 June 2015, ERN 01130588-01130589, A10-11. *See also* **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116065, A20.

<sup>618</sup> **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493012-01493013, A16; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050593, A84.

<sup>619</sup> **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111940, A18; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677-011176778, A6, ERN 01117680-01117681, A17, A19-A20; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610-01348613, A57-A59, A68, A70. Khmer Krom being targeted under Northwest Zone control: **D219/343**, Written Record of Interview of Witness Ros Moang, 28 May 2015, ERN 01116083, A9; **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132666-01132667, A33; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147939, A28-A30; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178792, A128-A130; **D219/3**, Written Record of Interview of Witness Keu Seung, 10 September 2014, ERN 01047104, A59-62. Khmer Krom being targeted under Southwest Zone control: **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778, A84, A86; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111933, A15; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147871-01147872, A16, A18; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492873, A127-A128; **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373645, A70-A72; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067738, A70; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456256-01456257, A29, ERN 01456260, A58; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493015, A25; **D219/313**, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111959-01111961, A20, A25. *See also Targeting of Khmer Krom in Kampong Prieng and Reang Kesei Communes*, paras 894-919. *Contra* Killing of Khmer Krom stopped under Southwest Zone control: **D219/61**, Written Record of Interview of Witness Soda Chhaom, 30 October 2014, ERN 01053889, A5, ERN 01053896, A30; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178792, A128, ERN 01178793, A131; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390092, A90-A91.



late 1976, where Northwest Zone cadres said that any Khmer Krom who “spoke like the Vietnamese” would be killed.<sup>620</sup>

262. In Kampong Preah Commune, cooperative level Southwest Zone cadres organised meetings where it was announced that there were many “Vietnamese spies” hiding amongst the people, and the cadres in attendance were ordered to report such spies to *Angkar*.<sup>621</sup> Although the witness’ evidence implies that these meetings occurred in or after August 1978, given this is the date that the witness provides in relation to the arrival of the Southwest Zone cadres,<sup>622</sup> the witness is likely mistaken, with such meetings taking place earlier as the Southwest Zone cadres were in total control of the Northwest Zone by mid-June 1978.<sup>623</sup> Given the lack of evidence regarding any sizeable Vietnamese community in Kampong Preah Commune, and that CPK cadres often considered the Khmer Krom to be *de facto* Vietnamese, it is reasonable to infer that the speaker was actually referring to Khmer Krom.

263. In a similar vein, during a series of meetings in Reang Kraol Village, Reang Kesei Commune, Southwest Zone cadres expressed their “hatred of the ethnic Vietnamese” and that the Vietnamese, including the Khmer Krom, “had to be uprooted completely”.<sup>624</sup>

264. CPK cadres accused the Khmer Krom in Kampong Prieng and Reang Kesei Communes of being Vietnamese if, for example, they spoke with a Vietnamese accent<sup>625</sup> or they or

<sup>620</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047096-01047097, A5-A9, A13, ERN 01047099, A24-A25, ERN 01047104, A56-A60, ERN 01047109, A98.

<sup>621</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117676-01117677, A2, ERN 01117679-01117680, A9, A15, A17, A19.

<sup>622</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117676-01117677, A2, ERN 01117679, A9, A15.

<sup>623</sup> See *Re-education and killing of ‘enemies’ and ‘bad elements’ and the targeting of specific groups*, para. 303.

<sup>624</sup> **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111930-01111931, A2, ERN 01111933, A15. See also **D219/831**, Written Record of Interview of Witness Vanna Venh, 10 September 2016, ERN 01391206, A15.

<sup>625</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047109, A92; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931-01111932, A5-A6; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610, A52-A54. See also **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111954, A31; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A20; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168071-01168072, A56-A58; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456260, A58; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493008-01493010, A6; **D219/63**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111930-01111931, A2, ERN 01111933, A15. See also **D219/829**, Written Record of Interview of Witness Sak Moeun, 8 September 2016, ERN 01390092, A89.





their families originated from Kampuchea Krom,<sup>626</sup> and killed them because of that.<sup>627</sup> According to local Khmer Krom witnesses, the Khmer Krom were killed because they were considered “*half-blood Yuon*”,<sup>628</sup> “*related to the Vietnamese line*”,<sup>629</sup> or to have “*a Vietnamese’s head on a Khmer body*”.<sup>630</sup> According to another witness, the CPK would monitor the population in order to identify Khmer Krom as it was believed that they were Vietnamese and “*would rebel against them in the future*”.<sup>631</sup>

265. There is no evidence to suggest that many Vietnamese lived in these two communes before or during DK,<sup>632</sup> and it can be safely inferred that the people living in these communes who were accused of being Vietnamese and subsequently killed were actually Khmer Krom.

266. Some Khmer Krom were also accused of being “*members of the CIA group*”, having ties to former administrations, or simply being an “*enemy*” to DK.<sup>633</sup>

267. CPK cadres identified Khmer Krom based on where they were born or lived,<sup>634</sup> their accent<sup>635</sup> or a fair complexion.<sup>636</sup> Cadres conducted searches and routine interrogations

<sup>626</sup> D219/305, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111910, A33; D219/404, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18.

<sup>627</sup> D219/367, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128249, A29-A30; D219/3, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047104, A56; D219/311, Written Record of Interview of Civil Party Applicant Peng San, 10 May 2015, ERN 01111944, A7; D219/313, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111960, A21-A22; D219/404, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; D219/125, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067738, A71; D219/939, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493021, A52; D219/838, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492871, A120; D118/298, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044741, A58; D219/238, Written Record of Interview of Witness Phan Sarang, ERN 01092944, A42; D219/414, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135060-01135061, A4, A6; D219/396, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130596, A33-A34; D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778, A82; D118/240, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033040, A59-A60, ERN 01033042 A74. See also D219/137, Written Record of Interview of Civil Party Applicant Kheam Sorn alias Khiem Saon, 5 January 2015, ERN 01072546, A58.

<sup>628</sup> D219/781, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610, A52-A53.

<sup>629</sup> D219/337, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A17-A20.

<sup>630</sup> D219/343, Written Record of Interview of Witness Ros Moang, 28 May 2015, ERN 01116083, A14.

<sup>631</sup> D219/304, Written Record of Interview of Witness Im Bun Chhoeun, 6 May 2015, ERN 01111902, A16.

<sup>632</sup> D219/414, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135060, A4; D219/939, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493012, A13; D219/137, Written Record of Interview of Civil Party Applicant Kheam Sorn alias Khiam Saon, 5 January 2015, ERN 01072553, A114.

<sup>633</sup> D219/722, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216030-01216031, A1, A3, A6, A8-A9; D219/314, Written Record of Interview of Civil Party Applicant Chech Sopha, 15 May 2015, ERN 01111965-01111966, A7-A8, A12-A13. See also D219/941, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519543, A66.



to this effect and recorded the names of those identified as Khmer Krom.<sup>637</sup> Sometimes cadres used a false pretence to trick Khmer Krom into gathering before taking them away, for example by promising increasing food rations or stating that they were to be moved to new villages.<sup>638</sup>

268. Some Khmer Krom were not identified through this vetting procedure and avoided being targeted.<sup>639</sup>
269. Some witnesses state that there was no difference in the mistreatment of Khmer Krom and Khmer families in Kampong Prieng Commune and Reang Kesei Commune.<sup>640</sup> One witness who worked in a hospital in Reang Kraol Village in Reang Kesei Commune during DK recalls that everyone was “*equally maltreated*”.<sup>641</sup> Others suggest that some Khmer Krom communities in the area were not targeted, but their evidence is of

<sup>634</sup> **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111910, A33; **D219/313**, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111960, A21-A22; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168078, A95, A97. Cf. **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152264, A41-A42.

<sup>635</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047109, A92; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931-01111932, A5-A6; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610, A52-A54. See also **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111954, A31; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A20; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168071-01168072, A56-A58; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147872, A18; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456260, A58; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493008-01493010, A6.

<sup>636</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047110, A100; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A89; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050591, A74-A76; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067737, A63, ERN 01067749, A172.

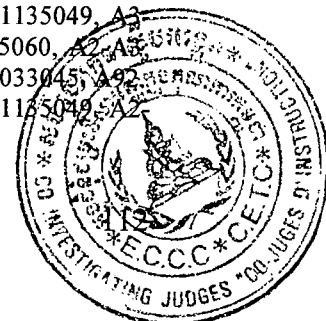
<sup>637</sup> **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111910, A33; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067737, A64; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778, A82-A86. See also **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348624, A141.

<sup>638</sup> **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493021, A52; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050634-01050635, A90-A97; **D219/314**, Written Record of Interview of Civil Party Applicant Chech Sopha, 15 May 2015, ERN 01111967, A17.

<sup>639</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047110, A100; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067749, A172; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050591, A74-A76.

<sup>640</sup> **D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135048-01135049, A3 A6; **D219/414**, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135060, A3 A6; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033045, A92 A93.

<sup>641</sup> **D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135048-01135049, A3 A6.



questionable reliability or credibility. For example, a Khmer Krom witness from Sala Trav Village states that Khmer Krom were not “*mistreated*” in her village, however she also describes the killing of several of her family members and the existence of a mass grave in the village that she believes contained the bodies of “*varied races, including Khmer, Chinese, and Vietnamese*”.<sup>642</sup> Another witness, who was a cadre working in Sala Trav Village and may have a motive to downplay the atrocities committed in his area, stated that there was “*no designated goal of purging*” the Khmer Krom in Sala Trav Village or in Kach Roteh Village in Kampong Prieng Commune.<sup>643</sup> These isolated accounts do not outweigh the wealth of contrary evidence showing that Khmer Krom people were systematically targeted and killed in the two communes.

270. The killing of Khmer Krom in Kampong Prieng and Reang Kesei Communes in discussed below in the section about those communes below.

#### *Bak Prea District*

271. There is also hearsay evidence from one witness who states that it was common knowledge in Samdech Village, Ta Pon Commune, Bak Prea District that Khmer Krom were killed at Wat Samdech.<sup>644</sup>

#### 5.2.1.9 Killing operations in Sector 7

272. The treatment of Khmer Krom in Sector 7 shares significant similarities to their treatment in Sector 2, however the killing operations appear to have been carried out on a smaller scale, likely due to the fact that fewer Khmer Krom lived in Sector 7.

273. Sou Nan *aka* Yeay Nan (Sou Met’s sister),<sup>645</sup> who arrived in Sector 7 in late 1977 or mid-1978,<sup>646</sup> was the Kandieng District Committee Secretary.<sup>647</sup> Yeay Nan’s former

<sup>642</sup> **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044736-01044737, A28, A33-A34, ERN01044743, A70, ERN 01044745, A83.

<sup>643</sup> **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152260, A16, ERN 01152264, A42.

<sup>644</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213403-01213404, A55-A61, A66.

<sup>645</sup> **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508563, A4.

<sup>646</sup> **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508565, A19, ERN 00508567, A31 *referring to* **D6.1.143**, Written Record of Interview of Witness Ung Chhat, 11 November 2009, ERN 00373918.

<sup>647</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974283, A28.

**D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974303, A19-A20.

**D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373918. See also



bodyguard confirms that she attended monthly meetings with Yeay Rim at an unspecified location.<sup>648</sup> Given the similarities of the operations in Sector 7 and Yeay Rim's Sector 2, and the fact that Yeay Rim was extremely vocal about targeting the Khmer Krom, it stands to reason that some of these meetings were about the plan to kill Khmer Krom. While Yeay Nan denies being the Kandieng District Secretary, and repeatedly states that Ta Sarun, her superior, offered her the position but she declined it,<sup>649</sup> the preponderance of the evidence demonstrates that she is not credible as far as her own role is concerned.

274. Similar to the operation in Sector 2, one civil party applicant states that biographies of Khmer Krom were taken before they disappeared and "*by that time they [the CPK] had already known the area where they [Khmer Krom] could have lived*".<sup>650</sup> CPK cadres accused Khmer Krom to be collaborating with the Vietnamese and needed to be 'smashed'.<sup>651</sup> Some Khmer Krom were told they were being taken to "*harvest sweet corn*"<sup>652</sup> or "*pick some sweet corns, uproot cassava and so on*" before disappearing or being taken away to be killed.<sup>653</sup>

275. One witness states that, during a mass killing operation in 1977, he once transported Khmer Krom to Andaung Char Village, Ou Ta Paong Commune by ox-cart.<sup>654</sup> A total of around 500 Khmer Krom were taken from all cooperatives by ox-carts to Andaung Char.<sup>655</sup> At Andaung Char, the witness was forced to watch the killings and transport the victims' clothes back to the worksite.<sup>656</sup> On several occasions throughout 1978 in

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**D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365563, A52-A54. *Contra* **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 005085667, A29.

<sup>648</sup> **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047805-01047806, A68, A76.

<sup>649</sup> **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508565, A19-A20, A22, ERN 00508567, A28-A29; **D219/849**, Written Record of Interview of Witness Sou Nan, 24 October 2016, ERN 01356228-01356229, A28, A36; **D134/2**, Written Record of Interview of Witness Sou Nan, 4 September 2013, ERN 00974275, A29.

<sup>650</sup> **D219/243**, Written Record of Interview of Civil Party Applicant Van Sang, 28 March 2015, ERN 01092992, A61-A63.

<sup>651</sup> **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098514, A47.

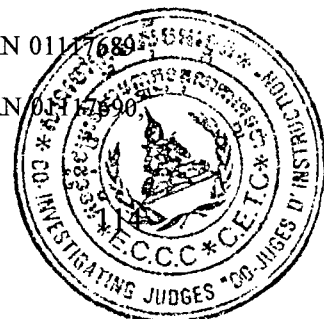
<sup>652</sup> **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117690-01117691, A95, A107.

<sup>653</sup> **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098514, A49-A50.

<sup>654</sup> **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117689, A83-A86.

<sup>655</sup> **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117689, A87, A94-A95, A101-A102.

<sup>656</sup> **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117689, A99-A100.



various locations around Ta Nai Village, Ou Ta Paong Commune, one civil party applicant witnessed killings of about 100 to 200 Khmer Krom each time and was ordered to collect and transport their clothes back to Bat Korki Village, Ou Ta Paong Commune.<sup>657</sup> Another witness recalls Khmer Krom and Vietnamese were taken away to be killed south of Prey Thlork Forest, Thlork Village, Sya Cooperative, Kandieng District, in 1978.<sup>658</sup> The killings of Khmer Krom continued until late 1978.<sup>659</sup>

## 5.2.2 Northwest Zone JCE

### 5.2.2.1 Establishment and operation of cooperatives and worksites

276. The CPK sought to transform Cambodia from a market-based economy into an autarkic socialist state based on an agrarian economy.<sup>660</sup> This goal was to be achieved through a number of measures including, critically, the establishment of cooperatives and worksites throughout Cambodia and the forced relocation of the entire population to work on them.<sup>661</sup>

277. To that end, the CPK developed and implemented a series of policies that pre-date the establishment of DK. Beginning in May 1972, the CPK established cooperatives and worksites in CPK-controlled territory.<sup>662</sup> Upon the establishment of DK, worksites and cooperatives were established and expanded throughout Cambodia.<sup>663</sup>

<sup>657</sup> **D219/224**, Written Record of Interview of Civil Party Applicant Chhuon Song, 13 March 2015, ERN 01088608-01088609, A18, A21-A22, ERN 01088611, A53-A54, A69, ERN 01088613, A72-A74.

<sup>658</sup> **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079295, A30, ERN 01079305, A88, ERN 01079307, A108-A111.

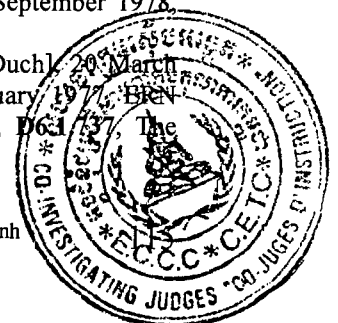
<sup>659</sup> **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098514, A51.

<sup>660</sup> **D1.3.20.1**, CPK Legal Documents entitled "Communist Party of Kampuchea Statute", 20 November 2008 (filing date), ERN 00184024-00184026; **D1.3.20.2**, DK Government Legal Documents entitled Constitution of Democratic Kampuchea, 6 January 1976, ERN 00184834; **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495808; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357902; **D6.1.532**, Khieu Samphan, *Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea*, 2007, Reahu, ERN 00498303; **D6.1.1139**, General Assembly first session of representative assembly of Kampuchea People, 13 April 1976, ERN 00184062; **D6.1.774**, Presentation of comrade secretary general in the 1st meeting of ministers on 22/4/76, 22 April 1976, ERN 00143461.

<sup>661</sup> **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357902-00357903; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363426; **D322/8.1.11**, The Revolutionary Youth, 1 August 1975, ERN 00532692.

<sup>662</sup> **D179/1.2.8**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 20 March 2012, ERN 00793000, lines 5-7, ERN 00793038, lines 18-21; **D117/36.1.21**, The 3rd anniversary of the farmer collective organising, 20 May 1976, ERN 00636009; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488630.

<sup>663</sup> **D179/1.2.8**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 20 March 2012, ERN 00793000, lines 9-12; **D6.1.755**, The Revolutionary Flag, December 1976-January 1977, ERN 00491424-00491425; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357902; **D6.1.747**, The Revolutionary Flag, 8 August 1975, ERN 00401507.



278. The forced relocation and concentration of human labour into worksites and cooperatives was intended to achieve several CPK objectives, including the rapid transformation of the country's degraded agricultural system into a modern agricultural system within 10-15 years,<sup>664</sup> in order to support a projected population of 20 million people.<sup>665</sup> This included the annual target of producing three to seven tonnes of rice per hectare in order to feed the national population and attain self-sufficiency.<sup>666</sup> In addition, the CPK embarked on a nationwide infrastructure construction project, which included expanding cooperatives,<sup>667</sup> construction of irrigation systems and dams,<sup>668</sup> roads, railways, bridges, ports, and airfields,<sup>669</sup> and extracting mineral resources.<sup>670</sup> The symbolic and practical engine of this policy was the formation of mobile units, some of which numbered thousands of workers, which were deployed throughout Cambodia's worksites and cooperatives to work the land and construct the supporting infrastructure according to the CPK's plan.<sup>671</sup>

<sup>664</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495808; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357902-00357903; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486746-00486747, ERN 00486762; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488633, ERN 00488635-00488636; **D6.1.1257**, United Nations General Assembly, 11 October 1977, ERN 00079814; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523569.

<sup>665</sup> **D6.1.1257**, United Nations General Assembly, 11 October 1977, ERN 00079815; **D6.1.816**, Foreign Broadcast Information Service Collection of Reports for October 1977, October 1977, ERN 00168651, ERN 00168718.

<sup>666</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495813, ERN 00495815; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486751; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488633; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523588; **D6.1.1145**, Minutes of Meeting of Ministers, 31 May 1976, ERN 00182681; **D6.1.740**, The Revolutionary Flag, October-November 1977, ERN 00182555; **D117/52**, Written Record of Interview of Civil Party Applicant Bum Ser, 27 May 2014, ERN 01076886, A23.

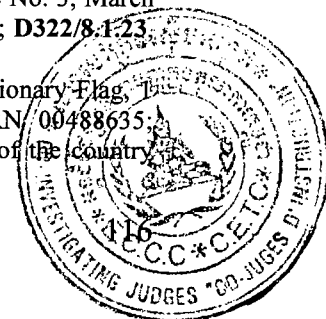
<sup>667</sup> **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401507; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488628, ERN 00488633-00488634.

<sup>668</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495804; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488632; **D6.1.536**, Minutes of the Meeting of All Division Committees, 1 June 1976, ERN 00143489-00143491; **D6.1.1257**, United Nations General Assembly, 11 October 1977, ERN 00079814; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523572-00523573; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363430; **D1.3.30.2**, CPK Telegram by Pok entitled "Telegram 94 - Radio Band 1100 - With Respect to Beloved Brother Pol", 2 April 1976, ERN 00182658.

<sup>669</sup> **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363430, ERN 00363452; **D1.3.24.2**, Minutes of Meeting of CPK Standing Committee, 9 October 1975, ERN 00183401, ERN 00183407.

<sup>670</sup> **D215/1.1.5**, DK Magazine entitled Kampuchea, June 1976, ERN 01148997; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488634; **D215/1.1.10**, D61157 DK Magazine entitled Kampuchea, Issue No. 24, January 1978, ERN 01174805; **D215/1.1.3**, D61150 DK Magazine entitled Kampuchea, Issue No. 3, March 1976, ERN 01149042; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363431; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478498.

<sup>671</sup> **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357925; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486746; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488635; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country



279. The establishment of cooperatives and worksites also allowed the CPK to better monitor and control the movement and daily life of individuals,<sup>672</sup> and to indoctrinate the population with the CPK's ideology.<sup>673</sup> The cooperatives also facilitated the CPK's objective of implementing a classless society where everyone worked collectively,<sup>674</sup> without any form of remuneration.<sup>675</sup>
280. Concomitantly, the CPK sought to establish complete control of the economy by attacking and removing "feudalists", "landowners", and "capitalists",<sup>676</sup> with the goal of executing an "absolute democratic revolution".<sup>677</sup> This was achieved by abolishing private markets, prohibiting private ownership, money, and all financial instruments.<sup>678</sup>

(3rd document), 19 September 1975, ERN 00523579-00523580, ERN 00523590; **D6.1.755**, The Revolutionary Flag, December 1976–January 1977, ERN 00491400-00491401; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478498; **D322/8.1.35**, The Revolutionary Youth, 1 November 1977, ERN 00524167.

<sup>672</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973, ERN 00850975-00850976, ERN 00850978; **D6.1.1127**, About governing and carrying out the policy of gathering force of Democratic National Front of party (6th document), 22 September 1975, ERN 00244276; **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289923; **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428291, ERN 00428299, ERN 00428301; **D6.1.1267**, Telegram 254: To respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihea and Otdar Meanchey Province, 10 January 1978, ERN 00182757.

<sup>673</sup> **D6.1.746**, The Revolutionary Flag, October–November 1975, ERN 00495810-00495811, ERN 00495824; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357904, ERN 00357924; **D6.1.1127**, About governing and carrying out the policy of gathering force of Democratic National Front of party (6th document), 22 September 1975, ERN 00244277; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486750, ERN 00486768; **D6.1.1257**, United Nations General Assembly, 11 October 1977, ERN 00079814; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523571; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363432-00363435; **D6.1.1145**, Minutes of Meeting of Ministers, 31 May 1976, ERN 00182676, ERN 00182683-00182684; **D6.1.1160**, Minutes of Meeting of Permanent Committee, 9 January 1976, ERN 00182614.

<sup>674</sup> **D6.1.746**, The Revolutionary Flag, October–November 1975, ERN 00495820; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357904, ERN 00357908; **D6.1.1127**, About governing and carrying out the policy of gathering force of Democratic National Front of party (6th document), 22 September 1975, ERN 00244275; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401505-00401506; **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488629; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363425; **D6.1.755**, The Revolutionary Flag, December 1976–January 1977, ERN 00491400.

<sup>675</sup> **D6.1.745**, The Revolutionary Flag, 1 September 1978, ERN 00488635; **D6.1.753**, The Revolutionary Flag, September - October 1976, ERN 00450513.

<sup>676</sup> **D117/36.1.21**, The 3rd anniversary of the farmer collective organising, 20 May 1976, ERN 00636009; **D6.1.746**, The Revolutionary Flag, October–November 1975, ERN 00495818; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357902; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401485; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363424.

<sup>677</sup> **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401482.

<sup>678</sup> **D6.1.753**, The Revolutionary Flag, September–October 1976, ERN 00450510, ERN 00450513; **D6.1.749**, The Revolutionary Flag, February–March 1976, ERN 00517819; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401483-00401484; **D6.1.141**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278694; **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363425; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486745-00486746. Cf. **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523584-00523586.



Furthermore, all property including food was collectivised,<sup>679</sup> and people were forced to eat communally.<sup>680</sup>

281. The CPK disseminated the policy regarding cooperatives and worksites through meetings with lower echelons and the masses,<sup>681</sup> site visits,<sup>682</sup> official publications,<sup>683</sup> and radio broadcasts.<sup>684</sup> The policy was administered through the official reporting structure, with lower echelons instructed to provide production statistics<sup>685</sup> in order for the upper echelons to determine where to strategically move resources in order to maximise production and complete construction projects.<sup>686</sup>
282. The CPK policy regarding cooperatives and worksites was implemented without regard for human liberty. The CPK prevented people from leaving their cooperatives or

<sup>679</sup> **D1.3.20.1**, CPK Legal Documents entitled "Communist Party of Kampuchea Statute", 20 November 2008 (filing date), ERN 00184047, Article 29; **D1.3.20.2**, DK Government Legal Documents entitled "Constitution of Democratic Kampuchea", 6 January 1976, ERN 00184834, Article 2; **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495818, ERN 00495823; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486744; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401482, ERN 00401487; **D1.3.22.3**, The Revolutionary Youth, July 1976, ERN 00360786.

<sup>680</sup> **D322/8.1.13**, The Revolutionary Youth, December 1975, ERN 00363427; **D6.1.755**, The Revolutionary Flag, December 1976–January 1977, ERN 00491400; **D1.3.16.1**, Biography of KE Pauk entitled "Ke Pauk Had Defended Himself Before He Died", 20 November 2008, ERN 00089712.

<sup>681</sup> **D1.3.20.1**, CPK Legal Documents entitled "Communist Party of Kampuchea Statute", 20 November 2008 (filing date), ERN 00184037, Article 6(5), ERN 00184039, Article 10(1), ERN 00184041, Article 12(2), Article 13(1), ERN 00184042, Article 15(2), Article 16(1), ERN 00184043, Article 18(2), ERN 00184044, Article 19(1), ERN 00184045, Article 23(2); **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050470, A42-A46; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491351-00491352, A11; **D6.1.984**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 23 March 2010, ERN 00492922, A18.

<sup>682</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495823-00495824; **D6.1.1145**, Minutes of Meeting of Ministers, 31 May 1976, ERN 00182677; **D6.1.774**, Presentation of comrade secretary general in the 1st meeting of ministers on 22/4/76, 22 April 1976, ERN 00143469-00143470. *See also* **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973-00850978.

<sup>683</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495810; **D6.1.1160**, Minutes of Meeting of Permanent Committee, 9 January 1976, ERN 00182614; **D6.1.1145**, Minute of Meeting of Ministers, 31 May 1976, ERN 00182683; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969648-00969649, A73-A80.

<sup>684</sup> **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495810; **D6.1.1160**, Minutes of Meeting of Permanent Committee, 9 January 1976, ERN 00182614; **D6.1.1145**, Minute of Meeting of Ministers, 31 May 1976, ERN 00182683.

<sup>685</sup> **D1.3.20.1**, CPK Legal Documents entitled "Communist Party of Kampuchea Statute", 20 November 2008 (filing date), ERN 00184037, Article 6(5); **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044681, A44; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207509-01207512, A31, A35, A37-A44; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034083-01034085, A6-A12, A14-A16. *See* **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289923.

<sup>686</sup> **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523589-00523590; **D1.3.24.2**, Minutes of Meeting of CPK Standing Committee, 9 October 1975, ERN 00183395; **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850977; **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428301; **D6.1.746**, The Revolutionary Flag, October-November 1975, ERN 00495822.





worksites without permission<sup>687</sup> and required the workforce to meet high work quotas.<sup>688</sup> These conditions were exacerbated by insufficient food and inadequate healthcare being provided to the workers.<sup>689</sup> Furthermore, workers who were unable to achieve production targets; or were caught possessing food without permission; or complained about the revolution; or attempted to leave, would be accused of being enemies of the revolution,<sup>690</sup> and were often subjected to harsh sanctions, including imprisonment or extra-judicial execution.<sup>691</sup> CPK leaders were aware of the conditions

<sup>687</sup> **D6.1.1059**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 1 April 2008, ERN 00177635; **D179/1.2.17**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 5 April 2012, ERN 00799839, lines 20-21; **D6.1.993**, Written Record of Interview of Witness Pil Kheang, 27 November 2007, ERN 00233133; **D6.1.996**, Written Record of Interview of Witness Tob De, 28 November 2007, ERN 00233142; **D219/702.1.70**, Transcript of Hearing on the Substance in Case 002 [Yun Kim], 20 June 2012, ERN 00820128-00820129; **D219/370.1.4**, Airgram entitled "Life inside Cambodia", 31 March 1976, ERN 00443071; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066773, A42; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050486-01050487, A149-A151; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029400-01029404, A23; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097414, A94-A97.

<sup>688</sup> Trapeang Thma Dam Worksite: D6.1.451, Written Record of Interview of Witness Saing Nham, 30 January 2009, ERN 00290384-00290385. 1<sup>st</sup> January Dam Worksite: D6.1.407, Written Record of Interview of Witness Au Hau, 18 November 2008, ERN 00250045; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050487, A151.

<sup>689</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973, ERN 00850978; **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289924; **D1.3.22.6**, The Revolutionary Flag, May-June 1978, ERN 00185328, ERN 00185337; **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523590; **D6.1.1145**, Minute of Meeting of Ministers, 31 May 1976, ERN 00182682, ERN 00182689; **D6.1.755**, The Revolutionary Flag, December 1976–January 1977, ERN 00491400-00491402; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976967-00976968, A51-A52; **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542, A11; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111811, A36; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974036-00974037, A113-A114.

<sup>690</sup> **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289922-00289923; **D6.1.977**, To respected Brother about the enemy situation in Sectors 101, 102, 104 and 107, 15 November 1976, ERN 00548801-00548803; **D6.1.386**, Written Record of Interview of Witness Ban Siek, 6 July 2009, ERN 00360756. **D6.1.993**, Written Record of Interview of Witness Pil Kheang, 27 November 2007, ERN 00233133; **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 November 2009, ERN 00410266, A11; **D3/4**, Written Record of Interview of Witness Chin Sinal, 17 August 2010, ERN 00607236, A13; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087493, A78; **D6.1.895**, Written Record of Interview of Civil Party Applicant Kong Vach, 17 December 2009, ERN 00426478, A38, ERN 00426480, A53-A54; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066774, A53-A55, ERN 01066776-01066777, A73-A79; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050490-01050491, A175-A176; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076963, A21; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111811, A36; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969645, A48; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274; **D219/192**, Written Record of Interview of Civil Party Applicant Yorp Sinit, 19 February 2015, ERN 01079357-01079358, A74-A75.

<sup>691</sup> **D6.1.995**, Written Record of Interview of Witness Mic Siphon, 28 November 2007, ERN 00233138; **D6.1.996**, Written Record of Interview of Witness Tob De, 28 November 2007, ERN 00233142; **D219/17**, Written Record of Interview of Civil Party Applicant Pin Dan, 16 September 2014, ERN 00491349; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491349.



at the worksites and cooperatives, as these were reported to and acknowledged by the highest echelons,<sup>692</sup> and CPK leaders made regular visits to cooperatives and worksites throughout the country.<sup>693</sup>

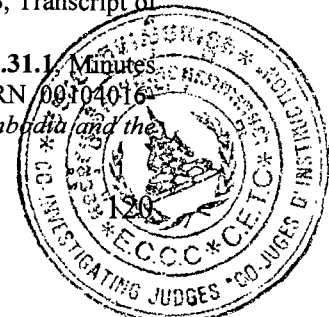
283. In August 1975, the CPK leadership identified the Northwest Zone as strategic to achieving its agricultural and economic policy objectives because of its fertile land and geography.<sup>694</sup> The leadership considered that one million workers, the population of

A4. Caught possessing food without permission: **D219/287**, Written Record of Interview of Witness Hai Taun, 23 April 2015, ERN 01100842, A16; **D219/288**, Written Record of Interview of Witness Chheun Lai Sim, 24 April 2015, ERN 01111773-01111774, A11, A13; **D219/699**, Written Record of Interview of Witness Choeunrm Veun, 26 February 2016, ERN 01213460, A57; **D6.1.344**, Written Record of Interview of Witness Sim Leang, 2 February 2009, ERN 00284313; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987748-00987749. Attempting to leave or escape: **D3/5.1**, Annex: Interview Note of Bao Troab, 5 August 2008, ERN 00210428; **D3/5**, Written Record of Interview of Witness Bao Troab, 18 August 2010, ERN 00607224, A3; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373656; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045456, A39. Unable to reach production targets: **D3/5**, Written Record of Interview of Witness Bao Troab, 18 August 2010, ERN 00607226, A9; **D219/285**, Written Record of Interview of Witness Ho Hoehn, 21 April 2015, ERN 01116058, A8; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044587-01044588, A23; **D219/582**, Written Record of Interview of Witness Toy Meach, 2 September 2015, ERN 01179844, A162-A166; **D219/288**, Written Record of Interview of Witness Chheun Lai Sim, 24 April 2015, ERN 01111774, A12; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399445, A96; **D6.1.590**, Written Record of Interview of Civil Party Applicant Suong Sim, 9 July 2009, ERN 00353704. Complained about the revolution: **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982640, A42; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985156, A47-A49; **D118/176**, Written Record of Interview of Witness Soem Voern, 6 February 2014, ERN 00981960, A45-A46; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986733, A46-A47. *See also* **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542, A12-A13.

<sup>692</sup> CPK Telegrams: **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289922-00289924; **D6.1.1266**, Telegram 14: To respected and beloved Office 870 about Yuon enemy 's situation in Kampong Cham Province, 30 December 1977, ERN 00183641; **D6.1.977**, To respected Brother about the enemy situation in Sectors 101, 102, 104 and 107, 15 November 1976, ERN 00548800-00548801; **D6.1.1267**, Telegram 254: To respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihea and Otdar Meanchey Province, 10 January 1978, ERN 00182758; **D6.1.770**, Telegram 23 date May 20, 1976 to Dear beloved Brother 89 of Division 920, Political section, 20 May 1976, ERN 00517910-00517913; **D1.3.30.2**, CPK Telegram by Pok entitled "Telegram 94 - Radio Band 1100 - With Respect to Beloved Brother Pol", 2 April 1976, ERN 00182658-00182659. CPK Publications: **D1.3.22.6**, The Revolutionary Flag, May-June 1978, ERN 00185328, ERN 00185336-00185337; **D6.1.752**, The Revolutionary Flag, 1 August 1976, ERN 00486757, ERN 00486760; **D6.1.755**, The Revolutionary Flag, December 1976-January 1977, ERN 00491400, ERN 00491402. CPK Communications: **D6.1.837**, CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document), 19 September 1975, ERN 00523590; **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973, ERN 00850978; **D6.1.1145**, Minutes of Meeting of Ministers, 31 May 1976, ERN 00182678-00182679; **D6.1.1147**, Minutes of Meeting on social affairs and health, 10 June 1976, ERN 00183364, ERN 00183369. *See also* **D6.1.385**, Written Record of Interview of Witness Sou Soeun, 5 July 2009, ERN 00360113.

<sup>693</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973-00850978. 1<sup>st</sup> January Dam Worksite: **D34.1.11**, Foreign Broadcast Information (FBIS) Collection of December 1977, Phnom Penh Domestic Service Broadcast, 1 December 1977, ERN 00168335; **D219/702.1.96**, Transcript of Hearing on the Substance in Case 002/02 [Or Ho], 19 May 2015, ERN 01503140-01503141; **D219/702.1.108**, Transcript of Hearing on the Substance in Case 002/02 [Un Ron], 28 May 2015, ERN 01477235, lines 15-18.

<sup>694</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, ERN 00850976-00850977; **D1.3.31.1**, Minutes of the Meeting of the Standing Committee, 21 July to 2 August 1976, ERN 00104010, ERN 00104016, ERN 00104017, ERN 00104064. *See also* **D1.3.17.1**, Elizabeth Becker, *When the War was Over: Cambodia and the*



Battambang and Pursat Provinces (Northwest Zone) at the time, were insufficient to achieve its objectives, and consequently it relocated hundreds of thousands of people from around Cambodia, including “*New People*” from the capital, to the Northwest Zone. The new arrivals were resettled in cooperatives throughout the zone and immediately put to work with the objective of achieving the CPK’s production targets.<sup>695</sup> Later, in 1978, the CPK relocated thousands of people from the East Zone (“East Zone Evacuees”) to the Northwest Zone to increase food production and to move the population away from the combat zone along the border with Vietnam.<sup>696</sup>

284. Following the influx of relocated persons in 1975, the Northwest Zone began experiencing prolonged problems arising from overpopulation, for example, famine and disease, compounded by extreme weather (drought and flooding).<sup>697</sup> The CPK

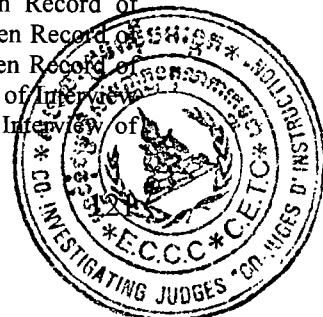
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*Khmer Rouge Revolution*, 1986, Public Affairs, United States of America, ERN 00237935; **D6.1.595**, Michael Vickery, *Cambodia 1975-1982*, 1984, Silksworm Books, Thailand, ERN 00397004.

<sup>695</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850975, ERN 00850977-00850978; **D6.1.837**, CPK Document entitled “Governing and carrying out policy and restoring all fields of the country (3rd document)”, 19 September 1975, ERN 00523590; **D322/8.1.40**, Transcript of Hearing on the Substance in Case 002 [Nuon Chea], 13 December 2011, ERN 00761799, lines 15-25; **D1.3.10.3**, Base General View of Sector 5 Northwest Zone, 27 June 1977, ERN 00223175-00223177. *See also* **D1.3.17.1**, Elizabeth Becker, *When the War was Over: Cambodia and the Khmer Rouge Revolution*, 1986, Public Affairs, United States of America, ERN 00237934-00237935; **D6.1.595**, Michael Vickery, *Cambodia 1975-1982*, 1984, Silksworm Books, Thailand, ERN 00397004; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050466, A18-20; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A2; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491348, A2; **D5/1704/3**, Transcript of Hearing on the Substance in Case 002 [Sang Rath], 27 May 2013, ERN 00916549-00916550, ERN 00916552, line 6, ERN 00916556, lines 19-21; **D5/1660/3**, Transcript of Hearing on the Substance in Case 002 [Pech Srey Phal], 5 December 2012, ERN 00868164, lines 17-25.

<sup>696</sup> *See Re-education and killing of ‘enemies’ and ‘bad elements’ and the targeting of specific groups*, paras 312-313.

<sup>697</sup> **CPK Documents: D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973-00850974, ERN 00850976; **D6.1.766**, The Revolutionary Youth, July-August 1977, ERN 00509687; **D6.1.754**, The Revolutionary Flag, 1 November 1976, ERN 00455289; **D215/1.1.3**, D61150 DK Magazine entitled Kampuchea, Issue No. 3, March 1976, 25 September 2015 (filing date), ERN 01149025; **D1.3.10.3**, Base General View of Sector 5 Northwest Zone, 27 June 1977, ERN 00223175-00223177; **D1.3.30.19**, Report by Nhim to Angkar 870, 11 May 1978, ERN 00185216; **D1.3.27.4**, Report from Northwest Zone Secretary Nhim to Angkar 870, 17 May 1978, ERN 00183653; **D1.3.30.18**, DK Military Telegram by Comrade Pauk entitled “Telegram 13 - Radio Band 330 -To Missed Committee 870”, 9 May 1978, ERN 00003534; **D6.1.1230**, To Respected Angkar: about defending the enemy, 16 May 1978, ERN 00321961; **D1.3.27.3**, DK-Government Report by Mo-560 on the Situation in the Northwest Zone, 29 May 1977, ERN 00183013, ERN 00183016; **D1.3.10.2**, Report of Sector 1 re Enemy Situation and the People’s Standard of Living, 28 May 1977, ERN 00143568-00143569. **Witnesses: D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978778, A63; **D6.1.895**, Written Record of Interview of Civil Party Applicant Kong Vach, 17 December 2009, ERN 00426478, A34-A35; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066773, A45-A46, ERN 01066779, A89-A91; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076961-01076962, A17; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930-01092931, A3; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974039, A124; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987750, A66; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063707, A9-A11; **D118/5**, Written Record of Interview of



determined that the Northwest Zone administration was responsible for the failures and subsequently assigned hundreds of Southwest Zone cadres to replace them.<sup>698</sup> Over the course of 1977 and 1978, the Southwest Zone cadres progressively took over the administration of all Northwest Zone worksites and cooperatives.<sup>699</sup>

285. Witnesses report that the general living and working conditions at cooperatives and worksites in the Northwest Zone deteriorated further after the arrival of the Southwest Zone cadres,<sup>700</sup> as discussed in more detail below at the crime sites of Thipakdei Cooperative, and Kang Hort Dam Worksite.

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Witness Tum Pheuy, 12 December 2012, ERN 00935596, A32-A33; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2013, ERN 00937026, A12; **D119/109**, Written Record of Interview of Civil Party Applicant Suon Lov, 24 March 2014, ERN 00984909, A35. *See also* **D6.1.851**, Ieng Thirith's interviews with Becker (Annex A of an OCP disclosure document containing all interviews compiled in one document), 2 November 2007 (filing date), ERN 00148878.

<sup>698</sup> *See Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, paras 295-307.

<sup>699</sup> *See Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, paras 295-307; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601-01053602, A11-A15; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116065, A14-A15.

<sup>700</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111832, A57-A58, ERN 01111843-01111844, A167-A171; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976967, A48; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066782, A112; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111810-01111811, A34; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974038, A120; **D119/19**, Written Record of Interview of Witness Phon Mon, 12 March 2013, ERN 00901009, A14; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987748, A54, ERN 00987750, A70-A71; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2013, ERN 00937028, A21; **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978797, A25; **D219/11**, Written Record of Interview of Witness Penh Nhanh, 17 September 2014, ERN 01047038, A21; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056856, A102-A104; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149239, A30; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149254, A44; **D219/140**, Written Record of Interview of Witness Youk Neam, 12 January 2015, ERN 01063677, A112-A113; **D101/1.1**, Written Record of Interview of Witness Por Bandeth, 2 September 2011, ERN 00746366; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117727-01117728, A117, A123-A125, A127, ERN 01117730, A141; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128723-01128724, A124; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139594, A52; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178565, A93; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696, A68; **D119/139**, Written Record of Interview of Witness Mun Mot, 25 July 2014, ERN 01044803-01044804, A47; **D119/152**, Written Record of Interview of Witness Van Teav, 1 September 2014, ERN 01045545, A34; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067736, A56-A57; **D219/175**, Written Record of Interview of Witness Hang Horn, 11 February 2015, ERN 01077004, A27. *Cf. The conditions were the same*: **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076961, A16; **D119/20**, Written Record of Interview of Witness Li Sinh, 13 March 2013, ERN 00901020, A19; **D61**, Written Record of Interview of Witness Pan Chhuong, 19 August 2011, ERN 00738312; **D119/79**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013, ERN 00937035, A10; **D118/30**, Written Record of Interview of Witness Sam Sokhan, 7 February 2013, ERN 00901560, A8; **D219/20**, Written Record



5.2.2.2 Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups

*DK policy to purge enemies and target specific groups, and establish security centres and execution sites*

286. A preliminary point to be noted in this section is that the OCIJ S-21 List does not provide sufficiently precise data to draw conclusions regarding the rank or provenance in general of every person transferred to S-21. While an attempt was made to establish precise numbers in the different categories of 'enemies', it was not possible to do so, and, accordingly, only estimations are possible.

287. The CPK implemented a policy to identify, monitor and re-educate or kill ("*smash*")<sup>701</sup> perceived enemies of the CPK.<sup>702</sup> According to former Chief of S-21 Duch, "*to smash means to arrest secretly and then people who were arrested [would] be interrogated, with tortures employed, and then executed secretly without the knowledge of their family members*" and "*the person was not to be released*", as the "*ultimate goal is that the person is dead*".<sup>703</sup> The policy to destroy enemies was initiated in 1960<sup>704</sup> and evolved over time as a result of domestic and external developments.<sup>705</sup> This policy was authorised under Article 10 of the DK Constitution, which stated that "*dangerous activities in opposition to the people's State must be condemned to the highest*

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of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050484-01050485, A135-A138, A143. *Contra* **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976979, A72; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683, A54; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116064, A7-A8.

<sup>701</sup> **D1.3.19.1**, CPK Central Committee Directive entitled "Decision of the Central Committee regarding a number of matters", 30 March 1976, ERN 00182809; **D6.1.100**, The Revolutionary Flag, 7 July 1976, ERN 00268935; **D322/8.1.17**, The Revolutionary Youth, June 1976, ERN 00583807; **D322/8.1.31**, The Revolutionary Flag, 1 March 1978, ERN 00504074; **D1.3.22.1**, The Revolutionary Youth, October 1975, ERN 00357911.

<sup>702</sup> **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478498, ERN 00478501; **D322/8.1.35**, The Revolutionary Youth, November 1978, ERN 00524168.

<sup>703</sup> **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 18 May 2009, ERN 00328458, lines 10-13, line 16; **D179/1.2.7**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 19 March 2012, ERN 00792616, lines 10-11.

<sup>704</sup> **D6.1.808**, Foreign Broadcast Information Service collection of reports for January 1977, 30 December 1976, ERN 00168465, ERN 00168467; **D6.1.753**, The Revolutionary Flag, Special Issue, September-October 1976, ERN 00450507; **D6.1.739**, The Revolutionary Flag, 1 September 1977, ERN 00486236, ERN 00486238-00486239; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401491; **D6.1.755** The Revolutionary Flag, December 1976 –January 1977, ERN 00491412.

<sup>705</sup> **D322/8.1.11**, The Revolutionary Youth August 1975, ERN 00532691; **D322/8.1.6**, Brief study of the history of the Kampuchean revolutionary movement under the leadership of the communist party of Kampuchea, ERN 00716599.



*degree.*"<sup>706</sup> It was encapsulated by the CPK slogan "*an individual who does not follow the Party line will be considered as an opponent of the Party*", and therefore "*is considered as a traitor and must be smashed*".<sup>707</sup>

288. In practice, 'enemy activity' was interpreted broadly and often arbitrarily, encompassing: minor infractions such as complaining about living and working conditions, making a mistake while working, missing work on account of an illness, possessing food without permission, or travelling without a permit;<sup>708</sup> and more serious offences such as sabotage and espionage.<sup>709</sup>

289. People were often considered to be enemies not for their acts, but for the mere suspicion that they did not share the values of the CPK or might potentially be disloyal in the future.<sup>710</sup> The CPK identified and targeted particular categories of people perceived as potential threats to the DK regime or to have views otherwise

<sup>706</sup> **D1.3.20.2**, DK Government Legal Documents entitled Constitution of Democratic Kampuchea, 6 January 1976, ERN 00184836, Article 10.

<sup>707</sup> **D6.1.379**, Written Record of Interview of Witness Ke Pich Vannak, 4 June 2009, ERN 00346160.

<sup>708</sup> **D6.1.750**, The Revolutionary Flag, April 1976, ERN 0051788; **D6.1.768**, The Revolutionary Youth, October – November 1977, ERN 00517895-00517896; **D179/1.2.17**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav alias Duch], 5 April 2012, ERN 00799839, lines 20-21; **D219/702.1.70**, Transcript of Hearing on the Substance in Case 002 [Yun Kim], 20 June 2012, ERN 00820127-00820128. **Northwest Zone: D118/85**, Written Record of Interview of Witness Chea Choeun, 9 August 2013, ERN 00976949, A43-A45; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009700458, A41; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066776-01066777, A73-A79; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076963, A21; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787176, A25; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491352, A13; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969645, A48; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987756, A108; **D219/140**, Written Record of Interview of Witness Youk Neam, 12 January 2015, ERN 01063679, A125; **D118/250**, Written Record of Interview of Witness Muth Voeuk, 4 June 2014, ERN 01032478, A53; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976617, A24; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088587, A161; **D6.1.127**, Written Record of Interview of Witness Sun Nat, 18 November 2008, ERN 00250285; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970439, A40; **D118/64**, Written Record of Interview of Witness Pol Seun, 26 May 2013, ERN 00950701, A41; **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079879-01079881, A42-A46, A48.

<sup>709</sup> **D1.3.6.1**, The Revolutionary Flag, June 1977, ERN 00446855; **D322/8.1.11**, The Revolutionary Youth, August 1975, ERN 00532686; **D322/8.1.35**, The Revolutionary Youth, November 1978, ERN 00524169; **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117704, A52; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009700458, A41; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050440, A845-A847.

<sup>710</sup> **D6.1.1156**, Minutes of Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, ERN 00940350; **D6.1.691**, Written Record of Interview of Witness Um Proeung, 8 December 2009, ERN 00422351, A21; **D267.1.81**, Written Record of Interview of Witness Yin Teng, 7 October 2014, ERN 01050314, A45; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067046, A108; **D118/190**, Written Record of Interview of Witness Moeu Pov, 25 February 2014, ERN 00986161, A32-A33; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970100, A56; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976617, A23; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050671, A18.



incompatible with CPK doctrine,<sup>711</sup> including CPK cadres accused of “*traitorous activities*”;<sup>712</sup> people connected to the former Lon Nol regime;<sup>713</sup> alleged CIA, KGB or Vietnamese (“*Yuon*”) spies;<sup>714</sup> the Khmer Krom;<sup>715</sup> and people supposedly belonging to the “*capitalist*”, “*feudalist*”, “*landowner*” or “*bourgeois*” classes.<sup>716</sup> After the fall of Phnom Penh on 17 April 1975, the CPK began a policy of “*refashioning*” so-called “*New People*” or “*17 April People*” (CPK terms denoting people who lived in urban areas) into peasants in order to diminish their power to oppose the Party.<sup>717</sup> “*17 April*

<sup>711</sup> **D6.1.739**, The Revolutionary Flag, 1 September 1977, ERN 00486235; **D6.1.1156**, Minutes of Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, ERN 00940345-00940346; **D219/702.1.88**, Transcript of Hearing on the Substance in Case 002/02 [Sen Srun], 14 September 2015, ERN 01406847, lines 2-14; **D219/522**, Written Record of Interview of Witness Hun Kimseng, 15 September 2015, ERN 01168022, A103-A108; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044586, A19, ERN 01044587-01044588, A23; **D219/582**, Written Record of Interview of Witness Toy Meach, 3 November 2015, ERN 01179844, A162-A166; **D219/285**, Written Record of Interview of Witness Ho Hoeun, 21 April 2015, ERN 01116058, A8.

<sup>712</sup> **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428294, ERN 00428295; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478499, ERN 00478501; **D6.1.740**, The Revolutionary Flag, October-November 1977, ERN 00182548-00182549.

<sup>713</sup> **D6.1.810**, Foreign Broadcast Information Service collection of reports for April 1977, 31 March 1977, ERN 00168183, ERN 00168249; **D6.1.744**, The Revolutionary Flag, 1 August 1977, ERN 00499784; **D117/70**, Written Record of Interview of Witness Prak Yut, 28 May 2013, ERN 01056219, A44; **D117/71**, Written Record of Interview of Witness Prak Yut, 19 June 2013, ERN 01056228, A48, A49; **D117/72**, Written Record of Interview of Witness Prak Yut, 21 June 2013, ERN 01056235, A6; **D117/73**, Written Record of Interview of Witness Prak Yut, 27 October 2013, ERN 01056238, A5, A7, ERN 01056240, A12, A15; **D219/120**, Written Record of Interview of Prak Yut, 30 September 2014, ERN 01063608, A12; **D219/855**, Written Record of Interview of Witness Nhem Chen, 27 October 2016, ERN 01374645, A33, ERN 01374657, A166, ERN 01374659, A183; **D118/85**, Written Record of Interview of Witness Chea Choeun, 9 August 2013, ERN 00976949, A47; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A18; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976963-00976964, A26-A29; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050439, A837; **D118/107**, Written Record of Interview of Witness Set Dun, 23 September 2013, ERN 00976915, A43.

<sup>714</sup> **D6.1.473**, June 1978 CPK Central Committee Policy Directive, 20 June 1978, ERN 00275217-00275218; **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428291; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478496, ERN 00478502; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So, 9 October 2013, ERN 00975888, A27-A29; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982640, A43, ERN 00982647, A103, ERN 00982655, A164; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A70; **D6.1.515**, Telegram 54: To respected Brother about the situation of the Youns undercover agent, 23 April 1978, ERN 00296220; **D118/107**, Written Record of Interview of Witness Set Dun, 23 September 2013, ERN 00976915, A44; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A14-A15.

<sup>715</sup> See *CPK policy on the Khmer Krom*, paras 196-203.

<sup>716</sup> **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00401486; **D6.1.755**, The Revolutionary Flag”, December 1976 - January 1977, ERN 00491412; **D6.1.740**, The Revolutionary Flag, October - November 1977, ERN 00182552; **D118/85**, Written Record of Interview of Witness Chea Choeun, 9 August 2013, ERN 00976949, A47, ERN 00976952, A68.

<sup>717</sup> **D6.1.737** The Revolutionary Flag, 8 August 1975, ERN 00401486; **D6.1.100**, The Revolutionary Flag, 7 July 1976, ERN 00268917-00268918; **D6.1.753**, The Revolutionary Flag, September-October 1976, ERN 00450524; **D6.1.755**, The Revolutionary Flag, December 1976-January 1977, ERN 00491424, ERN 00491425. See also **D219/855**, Written Record of Interview of Witness Nhem Chen, 27 October 2016, ERN 01374658-01374660; **A177-A183**, A195-198; **D6.1.386**, Written Record of Interview of Witness Ban Siek, 6 July 2009, ERN 00360756.









politically and ideologically pure party and society.<sup>728</sup> Another objective of the policy was to ensure strict obedience to *Angkar* by creating a pervasive state of heightened fear whereby every single individual, including party members, was under constant surveillance and suspicion.<sup>729</sup> This climate of fear was well illustrated by the ominous warning “*Angkar has the many eyes of the pineapple*”.<sup>730</sup>

292. The CPK disseminated information about the policy on enemies and its implementation through regular meetings at all echelons,<sup>731</sup> and via official publications<sup>732</sup> and radio

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Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053854, A52-A54; **D119/98**, Written Record of Interview of Witness Kor Len, 11 March 2014, ERN 00985192, A41; **D132.1.63**, Telegram No 324 dated 10-04-1978, 10 April 1978, ERN 00293359; **D6.1.127**, Written Record of Interview of Witness Sun Nat, 18 November 2008, ERN 00250285.

<sup>726</sup> **D1.3.20.2**, DK Government Legal Documents entitled Constitution of Democratic Kampuchea, 6 January 1976, ERN 00184838, Article 20; **D6.1.1127**, About governing and carrying out the policy of gathering force of Democratic National Front of party (6th document), 22 September 1975, ERN 00244275.

<sup>727</sup> **D6.1.753**, The Revolutionary Flag, September-October 1976, ERN 00450509, ERN 00450524; **D6.1.739**, The Revolutionary Flag, 1 September 1977, ERN 00486228, ERN 00486230.

<sup>728</sup> **D6.1.753**, The Revolutionary Flag, September-October 1976, ERN 00450518, ERN 00450505, ERN 00450535; **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428296; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478499; **D6.1.740**, The Revolutionary Flag, October-November 1977, ERN 00182550-00182551, ERN 00182580.

<sup>729</sup> **D1.3.22.5**, The Revolutionary Flag, December 1977-January 1978, ERN 00184313; **D6.1.753**, The Revolutionary Flag, September-October 1976, ERN 00450543; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [Say Naroen], 25 October 2016, ERN 01371183, lines 10-11; **D119/120**, Written Record of Interview of Civil Party Applicant Sam Sak, 23 April 2014, ERN 01057753; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589-01044590, A33; **D6.1.842**, Written Record of Interview of Civil Party Applicant Tes Ding, 10 September 2009, ERN 00377170; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066784, A118-A123.

<sup>730</sup> **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [SaY Naroen], 25 October 2016, ERN 01371183, lines 10-11; **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117704, A52; **D119/120**, Written Record of Interview of Civil Party Applicant Sam Sak, 23 April 2014, ERN 01057753; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589-01044590, A33; **D6.1.842**, Written Record of Interview of Civil Party Applicant Tes Ding, 10 September 2009, ERN 00377170; **D179/1.2.32**, Transcript of Hearing on the Substance in Case 002 [David Chandler], 20 July 2012, ERN 00827392, lines 15-24; **D219/370.1.5**, Locard Henri, *Le Petit Livre Rouge de Pol Pot (Pol Pot's Little Red Book)*, 2004, Silksworm Books, Thailand, pp. 112-113.

<sup>731</sup> **D6.1.688**, Written Record of Interview of Witness Bun Thien, 17 August 2009, ERN 00384407-00384408; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976967, A47; **D219/855**, Written Record of Interview of Witness Nhem Chen, 27 October 2016, ERN 01374643-01374645, A5-A8, A17-A24, A29-A31; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A5.

<sup>732</sup> **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204340; **D6.1.723**, Written Record of Interview of Witness Lonh Dos, 20 November 2009, ERN 00407793, A57-A60; **D6.1.707**, Written Record of Interview of Witness Suon Kanil, 19 August 2009, ERN 00390077. CPK publications: **D6.1.739**, The Revolutionary Flag, 1 September 1977, ERN 00486260; **D322/8.1.23**, The Revolutionary Flag, 1 April 1977, ERN 00478494-00478495; **D6.1.740**, Revolutionary Flag, October-November 1977, ERN 00182559; **D6.1.737**, The Revolutionary Flag, 8 August 1975, ERN 00404501; **D6.1.542**, The Revolutionary Flag, June 1977, ERN 00446862; **D1.3.22.6**, The Revolutionary Flag, May-June 1978, ERN 00185342.



broadcasts.<sup>733</sup> This reinforced the CPK's requirement that both party members and ordinary people maintain constant "*vigilance toward all enemy activities*".<sup>734</sup>

293. The policy to arrest and execute "*enemies*" of the DK regime was carried out systematically involving all levels of the civilian administration and the RAK.<sup>735</sup> Reports about enemy activities including arrests and executions were sent on a regular basis from the lower administrative and military echelons to the upper echelons, after which decisions about whom to "*purge*" or "*smash*" would be transmitted down along the chain of command.<sup>736</sup>

294. Alleged "*enemies*" were arrested and detained without legal protections,<sup>737</sup> in a nationwide network of security centres and execution sites.<sup>738</sup> Many were subjected to interrogation and torture,<sup>739</sup> the object of which was to produce a confession in order to

<sup>733</sup> **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204340; **D6.1.939** Khieu Samphan's Speech at Anniversary Meeting, 19 April 1977, ERN 00419513; **D6.1.815** Foreign Broadcast Information Service collection of reports for September 1977, 3 August 1977, ERN 00168723.

<sup>734</sup> **D1.3.20.1**, CPK Legal Documents entitled "Communist Party of Kampuchea Statute", ERN 00184025; **D6.1.753**, The Revolutionary Flag, September-October 1976, ERN 00450534; **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289923; **D322/8.1.11**, The Revolutionary Youth, 1 August 1975, ERN 00532685; **D322/8.1.35**, The Revolutionary Youth, 1 November 1977, ERN 00524168.

<sup>735</sup> **D6.1.740**, The Revolutionary Flag, October-November 1977, ERN 00182550; **D1.3.19.1**, CPK Central Committee Directive entitled "Decision of the Central Committee regarding a number of matters", 30 March 1976, ERN 00182809; **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428295; **D219/702.1.8**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek alias Duch], 28 April 2009, ERN 00325580, lines 3-22; **D219/702.1.119**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek alias Duch], 15 June 2009, ERN 00341700, lines 1-25.

<sup>736</sup> **D6.1.753**, The Revolutionary Flag, September - October 1976, ERN 00450543; **D6.1.705**, Written Record of Interview of Witness Meas Soeun, 18 December 2009, ERN 00425890, A44; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106437, A88; **D219/138**, Written Record of Interview of Witness You Vann, 8 January 2015, ERN 01059297-01059298, A98-A100; **D219/702.1.94**, Transcript of Hearing on the Substance in Case 002/02 [Prak Yut], 18 January 2016, ERN 01431666-01431667, ERN 01431686, lines 2-6, ERN 01431690-01431691; **D219/702.1.95**, Transcript of Hearing on the Substance in Case 002/02 [Prak Yut], 19 January 2016, ERN 01441016-01441018, ERN 01441041-01441042; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491352, A14; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050442-01050443, A862-A871, ERN 01050446, A887-A889; **D118/232**, Written Record of Interview of Witness San Mao, 6 May 2014, ERN 01029388-01029390, A8, A10.

<sup>737</sup> **D6.1.83**, David Chandler, *Voices from S-21: Terror and History in Pol Pot's Secret Prison*, 1999, Silksworm Books, Thailand, p. 120; **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 18 May 2009, ERN 00328458, lines 15-20.

<sup>738</sup> **D219/852.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Kaing Guek Eav alias Duch], 22 June 2016, ERN 01337856, lines 14-16, line 25; **D219/852.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Kaing Guek Eav alias Duch], 9 June 2016, ERN 01319883, lines 15-21.

<sup>739</sup> **D6.1.1060**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 2 April 2008, ERN 00178062; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406707, lines 1-25; **D219/852.1.9**, Transcript of Hearing on the Substance in Case 002/02, 21 June 2016 [Kaing Guek Eav alias Duch], ERN 01338049, lines 17-21.



implicate others in their alleged networks (so-called “strings”).<sup>740</sup> Often, those implicated in confessions would then be subject to arrest and execution.<sup>741</sup> Executions were carried out on a massive scale.<sup>742</sup>

### *The purge of the Northwest Zone*

295. The CPK policy to arrest and kill enemies was implemented with extreme intensity during a series of “purges” of the ranks of the CPK and of the general population. According to witnesses and contemporaneous CPK documents, the purge of “internal enemies” in the Northwest Zone began in 1975 under Ros Nhim, the Northwest Zone Secretary at the time,<sup>743</sup> and then progressively expanded and intensified as cadres from the Southwest Zone led by Ta Mok and Yim Tith arrived and took control of the Northwest Zone over the course of 1976 to 1978.<sup>744</sup> Purge activities in the zone continued until the end of DK.<sup>745</sup>

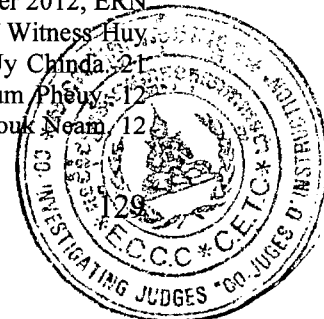
<sup>740</sup> **D6.1.94**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 27 November 2008, ERN 00242932; **D1.3.29.7**, UNHCHR Suspect Statement of Kaing Guek Eav alias Duch, 4-6 May 1999, ERN 00185023; **D6.1.755** The Revolutionary Flag, December 1976 – January 1977, ERN 00491398; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978418, A4, ERN 00978423, A34.

<sup>741</sup> **D219/702.1.137**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 9 June 2009, ERN 00339326, lines 23-24; **D6.1.94**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 28 November 2008, ERN 00242932.

<sup>742</sup> **D6.1.1061**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 29 April 2008, ERN 00185477. See *Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)*, paras 625-649; *Kang Hort Dam Worksite*, paras 677, 679, 685-693; *Banan Security Centre*, paras 713-714; *Phum Veal Security Centre*, paras 765-768; *Svray Chrum Security Centre*, paras 787-795; *Tuol Seh Nhaov Execution Site*, paras 802-809; *Prey Krabau Execution Site*, paras 814-825; *Wat Kirirum Security Centre*, paras 843-848; *Wat Samdech Security Centre*, paras 861-868; *Wat Po Laingka/Kach Roteh Security Centre*, paras 888-892.

<sup>743</sup> **CPK Documents: D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973-00850976; **D1.3.10.2**, Report of Sector 1 re Enemy Situation and the People's Standard of Living, 28 May 1977, ERN 00143567; **D1.3.27.3**, DK-Government Report by Mo-560 on the Situation in the Northwest Zone, 29 May 1977, ERN 00183010-0018301; **D6.1.794**, Telegram 100: To Brother Nhim about situation of enemies in region 5, 6 November 1977, ERN 00441627; **D6.1.973**, Telegram 63 To respected Angkar 870 about picking up the son of a Foreign Affair staffer, 21 December 1977, ERN 00539059; **D1.3.30.19**, Report by Nhim to Angkar 870, 11 May 1978, ERN 00185215; **D6.1.1230**, To Respected Angkar: about defending the enemy, 16 May 1978, ERN 00321962; **D1.3.27.4**, Report from Northwest Zone Secretary Nhim to Angkar 870, 17 May 1978, ERN 00183653-00183654. **Witnesses: D119/124**, Written Record of Interview of Witness Nhem En, 7 May 2014, ERN 01055654, A29-A31 (S-21 Insider Witness); **D219/66**, Written Record of Interview of Witness Kung Chhom, 14 November 2014, ERN 01053984-01053986, A43-A48 A51-A59; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976960, A10-A11; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274.

<sup>744</sup> **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053950, A34-A35, ERN 01053954, A64; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 December 2012, ERN 00937026, A12, ERN 00937028-00937029, A21, A32; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976620, A41; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A47-A49; **D118/5**, Written Record of Witness Interview of Tum Phouy, 12 December 2012, ERN 00935596, A32-A33; **D219/140**, Written Record of Interview of Witness Youk Neam, 12



296. The CPK had considered the Southwest Zone of DK to be a model for reshaping Cambodian society pursuant to the upper-echelon's ideological objectives.<sup>746</sup> Accordingly, when the CPK leadership had decided that the Central (and old North) and Northwest Zones had failed to achieve CPK goals and that their leaders were disloyal,<sup>747</sup> several hundred Southwest Zone cadres and their families were selected and

January 2015, ERN 01063678, A116; **D118/264**, Written Record of Interview of Witness Khem Sok, 25 June 2014, ERN 01033084-01033085, A34-A36, A39-A41; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040579, A167; **D119/94**, Written Record of Interview of Witness Bou Mao, 21 February 2014, ERN 00982762, A44; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067736, A59; **D219/175**, Written Record of Interview of Witness Hang Horn, 11 February 2015, ERN 01077003-01077004, A19, A28; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216256, A105-A106; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116103, A48; **D219/586**, Written Record of Interview of Witness Khun Mom, 3 November 2015, ERN 01178707-01178708, A75-A76; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111876, A14. *See also* **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937-01111938, A6; **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974283-00974285, A28, A34, A38-A39. *Contra* **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576-01173577, A25; **D119/109**, Written Record of Interview of Civil Party Applicant Suon Luov, 24 March 2014, ERN 00984914, A74; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178791, A120-A121.

<sup>745</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969649, A83; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187716, A3; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986415, A64; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132656-01132657, A32-A33, A35; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971, A23; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050468, A26-A27, ERN 01050479-01050480, A103-A112. *See also* **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147879, A52, ERN 01147881, A56; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222405 (No. 1749, Heng Rin alias Mei, Secretary of Sector 5 – Entry into S-21 16 November 1978), ERN 01222855 (No. 12837, Eng Lek alias Man, Deputy Chief of Mobile Team in Phnom Tauch District, Sector 3 – Entry into S-21 13 December 1978), (No. 12838, Chham Kan, Chief of Group in Phnom Tauch District, Sector 3 – Entry into S-21 13 December 1978), (No. 12839, An At alias Saray, Deputy Chief of Mobile Team in Phnom Tauch District, Sector 3 – Entry into S-21 13 December 1978), ERN 01222857, (No. 12898, Mut Vuth, Deputy Chief of Mobile Platoon in Phnom Sruch District, Sector 3 – Entry into S-21 13 December 1978), (No. 12899, Chhoeung Chhoeut, Chief of Mobile Platoon in Phnom Tauch District, Sector 3 – Entry into S-21 13 December 1978) (Northwest Cadres sent to S-21).

<sup>746</sup> **D6.1.877**, Meng-Try Ea, *The Chain of Terror: The Khmer Rouge Southwest Zone Security System*, 2005, Documentation Center of Cambodia, Cambodia, ERN 00105649; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111833, A61; **D119/124**, Written Record of Interview of Witness Nhem En, 7 May 2014, ERN 01055653-01055654, A27; **D1.3.6.1**, The Revolutionary Flag, June 1977, ERN 00446849-00446850.

<sup>747</sup> **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000674-01000675, A60-A65. Northwest Zone: D1.3.24.1, Minutes of Meeting of the Standing Committee, 24 August 1975, ERN 00850973-00850976; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087490, A46; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976961, A13, ERN 00976965, A35; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471, A48, ERN 01050474, A69-A71; **D118/249**, Written Record of Interview of Civil Party Son Em, 2 June 2014, ERN 01034092, A62, *confirmed in* **D219/974.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Son Em], 21 November 2016, ERN 01386097, lines 6-9; Central Zone: D219/702.1.99, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 22 April 2015, ERN 01418925, lines 1-2; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379172; **D117/39**, Written Record of Interview of Witness To Sem, 27 April 2014, ERN 01033103, A7; **D219/847.1**, Attachment 1: Transcript of Ao An, 17 October 2016, ERN 01373570.

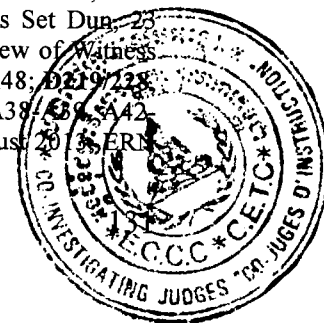


deployed on the orders of Ta Mok and **Yim Tith** between 1976 and 1978 to take control of those Zones.<sup>748</sup>

297. In the Northwest Zone, the goal was to systematically identify and replace the entire existing Northwest Zone administration and military with cadres from the Southwest Zone and the West Zone led by Ta Mok and **Yim Tith**.<sup>749</sup> The purge of cadres

<sup>748</sup> Northwest Zone: **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053907-01053908, A32-A33; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000672-01000673, A47-A50, A54-A57, ERN 01000684-01000685, A142, A148-A150, ERN 01000700, A280-A282; **D119/124**, Written Record of Interview of Witness Nhem En, 7 May 2014, ERN 01055652, A26-A27; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087489, A38-A39, ERN 01087491, A64-A66; **D118/85**, Written Record of Interview of Witness Chea Chooun, 9 August 2013, ERN 00976944, A15; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975008, A10, ERN 00975010, A23-A25, ERN 00975016, A72-A74; **D118/84**, Written Record of Interview of Witness Toch Phoeun, 8 August 2013, ERN 00976935-00976936, A5, A12-A17; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987745, A30; **D219/140**, Written Record of Interview of Witness Youk Neam, 12 January 2015, ERN 01063675, A95-A96; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517478, A57-A59; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034087, A30-A32; **D6.1.984**, Written Record of Interview of Witness Sek Sam At, 23 March 2010, ERN 00492919, A8; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364076, A29-A32; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050426, A755, A759, ERN 01050428, A774; **D118/96**, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974055-00974059, A4, A6-A9, A11-A13, A17-A20; **D219/627**, Written Record of Interview of Witness Loch Eng, 10 December 2015, ERN 01187740-01187741, A10, A12-A16; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700-01067706, A15, A24, A27, A32-A34, A36, A39-A43, A54-A57, ERN 01067716-01067717, A131-A132, A134; **D219/37**, Written Record of Interview of Witness Suon Mot, 16 October 2014, ERN 01053617-01053618, A31-A37, A40-A41, ERN 01053621, A58, ERN 01053623, A67. Duch Evidence: **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204354; **D1.3.29.2**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 3 October 2007, ERN 00149917; **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406699, lines 21-24; **D219/852.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Kaing Guek Eav alias Duch], 9 June 2016, ERN 01319813-01319814; **D6.1.866**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 17 June 2009, ERN 00342878, lines 1-11. Central Zone: **D219/138**, Written Record of Interview of Witness You Vann, 8 January 2015, ERN 01059280, A36; **D117/71**, Written Record of Interview of Witness Prak Yut, 19 June 2013, ERN 01056224, A17; **D219/847.1**, Attachment 1: Transcript of Ao An, 17 October 2016, ERN 01373570. Cf. **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967026-00967028, A5, A9, A11, ERN 00967030, A34.

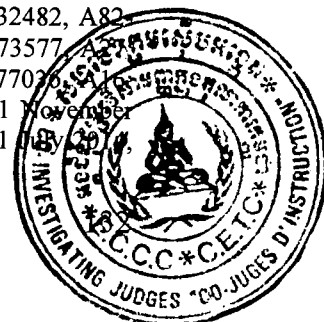
<sup>749</sup> **D118/60**, Written Record of Interview of Witness Long Sokhy, 22 May 2013, ERN 00943608, A6, A15, A24, A27; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976971-00976973, A7-A21, ERN 00976975-00976976, A37-A41, A43-A46; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111829-01111830, A20, A22, A32, A34, ERN 01111832-01111833, A60-A61, A63-A65, ERN 01111835-01111836, A87-A90, A93-A94, ERN 01111838, A113-A115, ERN 01111842, A149; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044677-01044681, A26-A29, A31, A33, A40-A42, ; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053905, A22, ERN 01053908-01053910, A35, A39, A44; **D119/124**, Written Record of Interview of Witness Nhem En, 7 May 2014, ERN 01055652-01055655, A23-A25, A29-A31, A36; **D119/68**, Written Record of Interview of Witness Phy Phuon, 28 November 2013, ERN 00975045, A2-A4, ERN 00975047, A10; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978770-00978772, A16, A21-A22, A38; **D118/107**, Written Record of Interview of Witness Set Dun, 25 September 2013, ERN 00976909-00976911, A5-A11, A14; **D118/85**, Written Record of Interview of Witness Chea Chooun, 9 August 2013, ERN 00976943-00976944, A9-A10, A12-A16, ERN 00976949, A48; **D219/128**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087489-01087490, A38, A42, A43, A45, A48-A50, A53; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 01087489-01087490, A38, A42, A43, A45, A48-A50, A53.



throughout the ranks was comprehensive from the zone level right down to the unit level.<sup>750</sup> This plan was implemented in three main waves.<sup>751</sup>

00976958-00976962, A4, A5, A12-A13, ERN, A20-A21, ERN 00976965-00976966, A36-A37, A40-A41; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A23; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A29-A31; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471-01050472, A49-A52, ERN 01050475, A72-A73; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029400-01029401, A5, A9-A11; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097408-01097409, A6-A14, A20-A21, A29-A30, ERN 01097415, A117; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958-01076960, A3, A9-A10, ERN 01076964-01076965, A25, A28; **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542-00980546, A15, A17-A18, A24-A25, A29, A34, A36, A40; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A9; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974019, A13, A15, A19, A21, A23, A25, A28-A32; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787175, A10-A13; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A9; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975010, A24, ERN 00975014-00975015, A57-A58, A60-A61, A65; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053949, A27-A29; **D219/974.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Son Em], 21 November 2016, ERN 01386088, lines 7-22, ERN 01386090, lines 3-6; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090007, A10, ERN 01090008-01090009, A12. West Zone forces sent to the Northwest Zone: **D61**, Written Record of Interview of Witness Pan Chhuong, 19 August 2011, ERN 00738312; **D1.3.29.2**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 3 October 2007, ERN 00149917; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491354, A20; **D119/29**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013, ERN 00937034, A4; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978424, A39-A41; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063712, A40-A43; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040565, A70; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088589, A181, A189-A190; **D219/242**, Written Record of Interview of Witness Ap Chroeng, 27 March 2015, ERN 01092976, A13, ERN 01092978, A32; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986688, A17, ERN 00986691, A37, ERN 00986695-00986696, A65-A67; **D219/276**, Written Record of Interview of Witness Nhoem Nguy, 21 April 2015, ERN 01098501, A22; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116101-01116102, A27-A28, A32.

<sup>750</sup> **D6.1.542**, The Revolutionary Flag, June 1977, ERN 00446857; **D119/68**, Written Record of Interview of Witness Phy Phoun, 28 November 2013, ERN 00975045-00975047, A2-A4, A10; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976966, A40-A41; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471, A52; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047704-01047705, A22-A25, ERN 01047705, A27-A30; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787176, A33, *confirmed in D118/69*, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950729, A26; **D119/19**, Written Record of Interview of Witness Phon Mon, 12 March 2013, ERN 00901009, A15; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969637, A2, A84; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970100, A53; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987744, A28-A29; **D118/5**, Written Record of Witness Interview of Tum Pheuy, 12 December 2012, ERN 00935596, A29; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2013, ERN 00937027, A18, ERN 00937029, A32; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970456-00970457, A30; **D118/30**, Written Record of Witness Interview Sam Sokhan, 7 February 2013, ERN 00901559, A4-A5; **D6.1.362**, Written Record of Interview of Witness POL Seun, 8 April 2009, ERN 00315904-00315905; **D6.1.137**, Written Record of Interview of Lim Sat, 20 January 2009, ERN 00250762; **D118/250**, Written Record of Interview of Witness Muth Voek, 4 June 2014, ERN 01032480, A68-A70, ERN 01032482, A82, A85; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173577; **D219/181**, Written Record of Interview of Witness Por Bandeth, 16 February 2015, ERN 01077022, *confirmed in D219/974.1.6*, Transcript of Hearing on the Substance in Case 002/02 [Son Em], 21 November 2016, ERN 01386088, lines 7-22; **D118/278**, Written Record of Interview of Witness Nam Im, 21



298. The first wave occurred in 1976, when Ta Mok, **Yim Tith** and other high-ranking cadres assigned a small number of Southwest Zone cadres to work alongside Northwest Zone cadres at various locations.<sup>752</sup> Several witnesses state that the Southwest Zone cadres were transferred to the Northwest Zone on the pretence to assist the Northwest Zone cadres with their work, but were actually meant to investigate them in anticipation of the purge.<sup>753</sup> After periods ranging from a few days to several months, depending on the location, Southwest Zone cadres began arresting Northwest Zone cadres.<sup>754</sup>

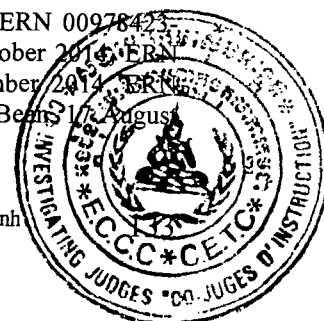
ERN 01031786, A39; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974997, A40, ERN 00974998, A42-A43; **D219/223**, Written Record of Interview of Witness Nuon Rin, ERN 01088603, A105; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986212, A35-A38. *See also* **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978418, A4, ERN 00978423, A34; **D119/139**, Written Record of Interview of Witness Mun Mot, 25 July 2014, ERN 01044805, A53; **D219/719**, Written Record of Interview of Witness Roerng Mean, 23 February 2016, ERN 01216024, A13; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519566, A62.

<sup>751</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978776, A54, ERN 00976978, A64; **D118/107**, Written Record of Interview of Witness Set Dun, 23 September 2013, ERN 00976913, A29; **D118/96**, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974058, A19-A20. *See also* **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976614, A6; **D219/922**, Written Record of Interview of Witness Chhoeum Nham, 15 February 2017, ERN 01451443, A70-A72. *Cf.* **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978424, A39-A41; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063712, A40-A42.

<sup>752</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978419-00978420, A12, ERN 00978423-00978424, A36, A39; **D118/85**, Written Record of Interview of Witness Chea Choeum, 9 August 2013, ERN 00976945, A21, ERN 00976948, A39, A42; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178560, A61, ERN 01178576, A156, ERN 01178581, A189; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976977, A49; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976961, A13; **D118/250**, Written Record of Interview of Witness Muth Voek, 4 June 2014, ERN 01032480, A70, ERN 01032480-01032482, A70, A72, A87-A88; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A11; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139588, A34; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707, A63; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451714, A35; **D118/107**, Written Record of Interview of Witness Set Dun, 23 September 2013, ERN 00976913, A29; **D119/69**, Written Record of Interview of Witness Kroch Toem, 4 December 2013, ERN 01035113-01035114, A28-A30, A33-A34, A36. *See also* **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050478, A93-A94; **D219/5**, Written Record of Interview of Witness Cheam Nhor, 12 September 2014, ERN 01047127-01047131, A39, A41-A46, A48-A49, A58-A63, A65; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063712, A40-A42; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173579, A36, ERN 01173580, A40, ERN 01173590, A96; **D119/65**, Written Record of Interview of Witness Tum Soeun, 16 October 2013, ERN 00966782, A30-A33, ERN 00966783, A40-A41, ERN 00966785, A47-A48, A53-A54, ERN 00966786, A60, A62, ERN 00966788, A65, ERN 00966790, A78-A79,.

<sup>753</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978419, A12, ERN 00978423-00978424, A36, A39; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636-00969637, A2, ERN 00969643, A39; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976961, A13.

<sup>754</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978419-00978424, A36; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A11; **D219/5**, Written Record of Interview of Witness Cheam Nhor, 12 September 2014, ERN 01047130, A58-A63. *See also* **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139588, A34.





299. The second wave of cadres from the Southwest Zone arrived during 1977 and early 1978. The arrest, killing and disappearance of commune, cooperative, and district level cadres along with military personnel accelerated, and Southwest Zone cadres eventually took over the entire administrative structure throughout the zone,<sup>755</sup> including Sectors 1-7.<sup>756</sup> A few days before his division was deployed to Battambang, a soldier and

<sup>755</sup> **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974019, A13, A15, A19, A21, A23, A25, A28-A32, ERN 00974049, A172; **D118/249**, Written Record of Interview of Civil Party Son Em, 2 June 2014, ERN 01034085, A18-A19, ERN 01034087-01034092, A28-A32, A34-A36, A41, A47-A53, A55-A59; **D219/974.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Son Em], 21 November 2016, ERN 01386088, lines 7-22, ERN 01386090, lines 3-6; **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970080-00970081, A8-A11, ERN 00970087, A61; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517476-01517477, A30-A40; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974997, A38-A40, ERN 00974998, A42-A43. *See also* **D118/30**, Written Record of Interview of Witness Sam Sokhan, 17 February 2013, ERN 00901558-00901560, A1, A4-A6, A9; **D118/264**, Written Record of Interview of Witness Khem Sok, 25 June 2014, ERN 01033082-01033085, A18-A19, A22-A23, A33-A36, A39-A41.

<sup>756</sup> **Sector 1: D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974019, A13, A15, A19, ERN 00974049, A172; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519-01207520, A75, A78; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244-01216245, A17-A20, A24, *Cf.* ERN 01216254-01216255, A92; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305920-01305921, A12, A15, A18-A19, ERN 01035925-01035926, A40, A47; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111914-01111916, A7-A8, A10, A13, ERN 01111919, A53; **D118/4**, Written Record of Interview of Witness Kon Choek, 11 December 2012, ERN 00935585-00935587, A15-A18; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337021, A32-A34, A64, ERN 01337025, A79, ERN 01337031-01337034, A104-A106, A114-A118; **219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519560, A30, ERN 01519562-01519563, A38-A42, ERN 01519565-01519566, A59, A62; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471-01050472, A49-A53, ERN 01050475, A72-A73; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174-00787175, A10-A14, A16; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A6-A11; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636-00969637, A2-A3, ERN 00969641, A21-A23, **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090007, A4-A8, A10, A17, A22-A24; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117716-01117718, A11-A15, A26-A28, A34, A36; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111936-01111937, A2, A6, A7; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978417-00978418, A2, A5, ERN 00978421, A23, A34, ERN 00978424, A39; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053946-01053948, A10, A17-A18, A22-A24, ERN 01053953-01053955, A51-A54, A64, A71; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976971, A7; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063707, A12, ERN 01063709, A27, ERN 01063712, A40-A43, ERN 01063713, A49, ERN 01063717-01063718, A80-A81; **D219/11**, Written Record of Interview of Witness Penh Nhanh, 17 September 2014, ERN 01047034-01047035, A3, A7-A8; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056842, A5-A7, ERN 01056846-01056848, A39-A42, A45, ERN 01056853, A80; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986413, A46-A47, A49, ERN 00986418, A84-A85; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2015, ERN 01149246-01149247, A3, A5-A9; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173573-01173577, A7-A8, A14-A15, A17-A20, A25, ERN 01173580, A40, ERN 01173590, A96; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451714-01451717, A35, A48-A51; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A9-A12, ERN 00974995, A14-A15, ERN 00974996, A29-A32; **D219/348**, Written Record of Interview of Witness Srey Soeurn, 20 April 2016, ERN 01251810-01251811, A34, A42, A46;





**D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517550, A12, A15; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970093, A6, ERN 00970094, A9-A11, ERN 00970098, A34-A37, A39; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151244-01151246, A3-A5, A7-A12, ERN 01151250-01151251, A33-A45; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987741, A2, ERN 00987744-00987747, A28-A29, A31-A32, A38-A44, ERN 00987760, A135-A137; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063707, A12, ERN 01063713, A49, ERN 01063717-01063718, A80, A81; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950725, A1, ERN 00950729, A26; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970435-00970437, A4, A7, A15, A17, ERN 00970439, A39; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A30-A34; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451-00970453, A1, A4, A7-A8; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130577-01130578, A17, A24; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156939-01156940, A9, A14-A18, ERN 01156942-01156943, A23-A24 A27-A29, ERN 01156946, A41, ERN 01156949, A54, A58; **D118/63**, Written Record of Interview of Witness Han Thy, 12 May 2013, ERN 00945851, A14; **D219/894**, Written Record of Interview of Witness Kao Porn, 14 January 2017, ERN 01412972, A91; **D6.1.127**, Written Record of Interview of Witness Sun Nat, 18 November 2008, ERN 00250284; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029379-01029380, A5, A7-A9; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3. **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976921, A2, ERN 00976922-00976923, A8-A11. *See also* **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081747, A15, ERN 01081755-01081756, A73-A80; **D219/535**, Written Record of Interview of Witness Phoeng Dy, 5 October 2015, ERN 01173557, A18-A22.

**Sector 2: D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974015, A13, A21, ERN 00974049, A172; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088577-01088578, A16-A18, A33, ERN 01088583-01088584, A109-A114, A117-A122; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491348, A2-A3; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981833-00981834, A37, A47-A49; **D219/192**, Written Record of Interview of Civil Party Applicant Yorp Sinit, 19 February 2015, ERN 01079360-01079361, A96-A103; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031783-01031784, A22, A26-A27, ERN 01031786, A39, ERN 010317894, A97-A98; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047747, A56, ERN 01047754, A109, A111; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116100-01116101, A22-A28; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025245-01025248, A24-A27, A36-A37, A46; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981758, A22-A24; **D219/242**, Written Record of Interview of Witness Ap Chroeng, 27 March 2015, ERN 01092976-01092977, A13-A14, A25-A26; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986688, A17, ERN 00986691, A37, ERN 00986695-00986696, A65-A67; **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047802-01047803, A53-A55, A57, ERN 01047812-01047813, A122; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492929-01492932, A10-A12, A16-A17, A19, A21, A24-A27, A29, A32-A33; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088595-01088598, A23-A25, A27-A30, A40, A48, A52-A54, ERN 01088603, A105; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251820-01251821, A16-A18, A23-A24, A33-A36, A38-A39; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055759, A96-A98; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986212, A35-A38, ERN 00986215, A57; **D219/744**, Written Record of Interview of Witness Pheun Phon, 30 March 2016, ERN 01251795-01251796, A25-A29, A33-A37; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364076-01364078, A29-A32, A44-A45; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047773-01047777, A40-A46, A51-A55, A63, A66-A67; **D219/586**, Written Record of Interview of Witness Khun Mom, 3 November 2015, ERN 01178709-01178711, A87-A89, A96-A98, ERN 01178713-01178714, A114-A118, A121-A122, ERN 01178717, A143-A144; **D219/590**, Written Record of Interview of Witness Long Khlorok, 6 November 2015, ERN 01178802-01178803, A33, A36-A41, A44, A46, ERN 01178805, A57, A59; **D219/187**, Written Record of Interview of Witness Khorn, 16 February 2015, ERN 01104746-01104749, A18-A19, A31-A33, A41, A43, A50; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491348-00491350, A2-A5, ERN 00491351, A20. *See also* **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014



ERN 01057824, A13, ERN 01057839, A123-A125, ERN 01057843, A154-A158, ERN 01057853, A227-A229; **D219/588**, Written Record of Interview of Witness Kuy Yin, 5 November 2015, A109 ERN 01178755-01178756, A60, A62; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106434, A57, ERN 01106436-01106437, A80, A83-A89. Cf. **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040561-01040562, A39-A44, ERN 01040564, A66-A67; **D118/258**, Written Record of Interview of Civil Party Applicant Ruos Him, 11 June 2014, ERN 01000655-01000656, A34-A37, A45-A46.

**Sector 3: D219/164**, Written Record of Interview of Witness Chheang Meng, 28 January 2015, ERN 01076932, A59; **D6.1.165**, Written Record of Interview of Witness Im An, 17 June 2008, ERN 00274159-00274160; **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954058-00954059, A17-A19, A22; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178556-01178557, A33, A36-A39, ERN 01178559, A49-A53, ERN 01178561, A66, ERN 01178563, A80-A81, ERN 01178574-001178575, A148 referring to **D215/1.1.1**, *Behind the Darkness: Taking Responsibility or Acting Under Orders?*, 2011, Youth For Peace, Cambodia, ERN 01030486; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315904-00315905; **D118/64**, Written Record of Interview of Witness Pol Seun, 26 May 2013, ERN 00950698-00950701, A5-A9, A19, A23-A24, A31-A35; **D118/102**, Written Record of Interview of Witness Toit Thoeun, 10 September 2013, ERN 00974014-00974015, A13, A15, ERN 00974017-00974019, A23, A29-A32, ERN 00974049, A172; **D6.1.127**, Written Record of Interview of Witness Sun Nat, 18 November 2008, ERN 00250284; **D118/107**, Written Record of Interview of Witness Set Dun, 23 September 2013, ERN 00976913, A29; **D118/30**, Written Record of Interview of Witness Sam Sokhan, 17 February 2013, ERN 00901558-00901559, A1, A4-A5; **D118/29**, Written Record of Interview of Witness Sam Sokhan, 6 February 2013, ERN 00903216, A2; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978770-00978772, A16, A21-A22, A38; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053600-01053602, A8, A11-A15, ERN 01053604, A25; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250273; **D6.1.116**, Written Record of Interview of Witness Tes Heanh, 27 August 2008, ERN 00275412; **D219/697**, Written Record of Interview of Witness Nok Chhiet, 24 February 2016, ERN 01213442-01213444, A30-A34, A52; **D6.1.169**, Written Record of Interview of Witness Nhim Hau, 18 June 2008, ERN 00274192; **D219/784**, Written Record of Interview of Witness Mom Krath, 23 June 2016, ERN 01485066, A37, ERN 01485068, A46; **D118/28**, Written Record of Interview of Witness Chhann Chhoeun, 11 February 2013, ERN 00900999-00901002, A2, A13-A18; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, A20. See also **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969641, A25-A26; **D118/93**, Written Record of Interview of Witness Prak Some, 1 September 2013, ERN 00967040, A35-A36; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111830, A38-A40, ERN 01111843, A157-A158; **D219/667**, Written Record of Interview of Witness Hun Moeun, 28 January 2016, ERN 01204498, A22-A24.

**Sector 4: D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969641, A27; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399437-01399442, A42, A45, A52, A54-A57, A61, A79; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067732-01067735, A25-A27, A35, A45, A50-A52; **D119/109**, Written Record of Interview of Civil Party Applicant Suon Luov, 24 March 2014, ERN 00984907, A18, ERN 00984912-00984913, A64, A68-A70, referring to **D5/93**, Civil party application of Suon Lov 09-VU-03526, 10 October 2009, ERN 00980461.; **D119/139**, Written Record of Interview of Witness Mun Mot, 25 July 2014, ERN 01044798-01044801, A28, A34, A36, A38, ERN 01044804-01044805, A51, A53; **D105/4**, Written Record of Interview of Witness Huy Krim, 16 February 2012, ERN 00787164-00787165, A7-A8, A13-A17; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976614-00976616, A4-A7, A12-A13; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180938-01180941, A6-A10, A13-A15, A17, A22-A24, ERN 01180943-01180945, A36, A49-A50, ERN 01180947, A63; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179752-01179754, A11; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216023-01216026, A2-A4, A11-A16, A18, A23, A29-A33; **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132662-01132663, A2-A3; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132652, A3, ERN 01132655-01132657, A18-A19, A21-A22, A25, A29, A32-A33, ERN 01132659, A55; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348605, A21, ERN 01348608-01348610, A42-A43, A50-A51, ERN 01348613-01348614, A75, A77, ERN 01348628-01348629, A170-A173; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147868, A2, ERN 01147870-01147871, A10; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050624, A26, ERN 01050632-01050633, A80-A81, A86-A87; **D219/61**, Written Record of Interview of Witness ██████████



Chhoam Soda, 30 October 2014, ERN 01053891-01053892, A9-A10, A14, ERN 01053896, A26; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654, A11, ERN 01373656, A23; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219969-01219973, A6-A8, A15-A19, A22-A23, A26, ERN 012119972, A34, A43, A52; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182679-01182681, A10-A13, A15-A16, ERN 01182690, A66; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168062, A1, ERN 01168066-01168072, A30-A38, A45, A47, A55, A58, ERN 01168075-01168076, A74-A75, A83; **D6.1.380**, Written Record of Interview of Witness Thun Sovat, 23 June 2009, ERN 00375896; **D219/334**, Written Record of Interview of Civil Party Applicant Sam Ngak, 22 May 2015, ERN 01118145-01118148, A1-A2, A8, ERN 01118148, A16; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A7, A9-A10, ERN 01095831, A24, A26-A27; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111888-01111890, A5-A8, A14, A19; **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787183-00787184, A22-A31, ERN 00787187, A61-A62; **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589-01218591, A4-A5, A7, A12. *See also* **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931-01111932, A3-A5, A10; **D219/409**, Written Record of Interview of Civil Party Applicant Ang Sar, 5 July 2015, ERN 01142874, A4, ERN 01142881-01142882, A47, A52; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391208, A34, ERN 01391213, A62; **D219/830**, Written Record of Interview of Witness Seng Reut, 9 September 2016, ERN 01390104-01390109, A33-A36, A43, A50-A51, A58, A68, A93-A94, ERN 01390121, A141; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, A20; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047096, A5-A7, ERN 01047098-01047099, A22-A23, ERN 01047100, A32, ERN 01047101, A37, A39-A40. *See also* Date Unspecified: **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147934, A2-A3, ERN 01147938, A22-A24; **D219/44**, Written Record of Interview of Witness Ngam Ngoeum, 15 October 2014, ERN 01050661, A17, ERN 01050663, A42-A43. *Cf. Mid-1978*: **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135139-01135141, A9, A12, A15, A18, A22, ERN 01135146-01135147, A35; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111873-01111876, A4, A12 A14-A15; **D219/394**, Written Record of Interview of Witness Riem Dy, 24 June 2015, ERN 01130587-01130591, A2, A4-A6, A15; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178769, A6-A7, ERN 01178772, A18-A19, ERN 01178774, A26, ERN 01178780, A61-A64, ERN 01178786, A86-A88; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677, A2-A3, A5-A6, ERN 01117679-01117681, A15-A16, A23.

Sector 5: **D119/20**, Written Record of Interview of Witness Li Sinh, 13 March 2013, ERN 00901018-00901020, A3-A6, A10, A14-A18; **D118/250**, Written Record of Interview of Witness Muth Voeuk, 4 June 2014, ERN 01032473, A16, ERN 01032480, A68-A70, ERN 01032482-01032484, A82-A85, A88-A89, A92, A94-A95, ERN 01032487, A122, ERN 01032494, A155; **D119/29**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013, ERN 00937034-00937035, A4, A6-A7; **D119/136**, Written Record of Interview of Witness Pan Chhuong, 22 July 2014, ERN 01044767-01044771, A31, A35-A36, A40-A41, A48; **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038-00975039, A8-A9, A11, A14; **D219/13**, Written Record of Interview of Witness Khun Sevinn, 17 September 2014, ERN 01047893-01047896, A32, A34, A36, A40; **D119/19**, Written Record of Interview of Witness Phon Mon, 12 March 2013, ERN 00901008, A6-A9; **D101/1.1**, Written Record of Interview of Witness Por Bandeth, 2 September 2011, ERN 00746366; **D219/181**, Written Record of Interview of Witness Por Bandeth, 16 February 2015, ERN 01077037, A14-A16, ERN 01077040, A26, ERN 01077042, A35; **D106/5**, Written Record of Interview of Witness Tum Soeun, 29 March 2012, ERN 00805994; **D119/65**, Written Record of Interview of Witness Tum Soeun, 16 October 2013, ERN 00966793, A92-A95; **D119/152**, Written Record of Interview of Witness Van Teav, 1 September 2014, ERN 01045538, ERN 01045544-01045545, A32-A33; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, A20. *See also* **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969642, A29; **D61**, Written Record of Interview of Witness Pan Chhuong, 19 August 2011, ERN 00738313; **D119/49**, Written Record of Interview of Witness Thib Sambath, 15 June 2013, ERN 00966727-00966729, A4, A16-A17, A20-A22; **D119/94**, Written Record of Interview of Witness Bou Mao, 21 February 2014, ERN 00982758-00982759, A21-A22, A26, A28, ERN 00982762, A43-A44.

Sector 6: **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974015, A13, A15, ERN 00974019, ERN 00974049, A172; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969642 A31; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, A20.

Sector 7: **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974014-00974015, A13, A15, ERN 00974019, A30-A32, ERN 00974049, A172; **D219/276**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, A20.



relative of Ta Mok recalls Ta Mok issuing an order “to get rid of the Northwest Zone people.”<sup>757</sup> Beginning in mid-1977 before his formal appointment in the Northwest Zone, Yim Tith and Ta Mok welcomed Southwest Zone cadres upon their arrival in Battambang, and assigned them to replace cadres at various locations in the Northwest Zone.<sup>758</sup>

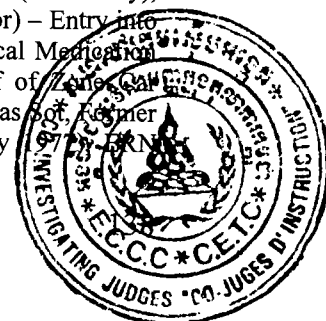
300. From mid-1977, purged Northwest Zone cadres began to arrive at S-21. These included zone office and ministry staff,<sup>759</sup> along with military leaders from company level up to

of Interview of Witness Nhoem Nguy, 21 April 2015, ERN 01098501-01098502, A18-A19, A22, A24, A28, ERN 01098505, A63; **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974283-00974285, A28, A34, A38-A39, A42; **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092963-01092966, A16-A22, A26-A27, A41, A51-A54; **D118/190**, Written Record of Interview of Witness Moeu Pov, 25 February 2014, ERN 00986170-00986171, A107, A111-A113; **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D16**, Written Record of Interview of Witness Lim Sat, 20 May 2011, ERN 00708139; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974296, A32; **D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974301-00974303, A6-A9, A12, A15-A16, A18, A20; **D118/199**, Written Record of Interview of Civil Party Applicant Uong Sav, 11 March 2014, ERN 00985104, A2, ERN 00985106, A20-A21, A23-A24, ERN 00985108, A28; **D219/187**, Written Record of Interview of Witness Khorn, 16 February 2015, ERN 01104746-01104749, A18-A19, A31-A33, A41, A43, A50; **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284417; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373916, ERN 00373918. *See also* **D219/612**, Written Record of Interview of Witness That Mon, 1 December 2015, ERN 01207362, A30-A34, ERN 01207365-01207367, A58-A68, A80-A81. *Cf.* **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079875-01079876, A21, A23-A24, ERN 01079878, A38, ERN 01079887, A93, ERN 01079891-01079897, A116-A117, A125-A129, A132-A135, A138, A142, A149, A152, A158-A159, A163, ERN 01079903, A208, ERN 01079912, A278, ERN 01079915, A300; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986728, A10, ERN 00986742, A102-A103.

<sup>757</sup> **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975006-00975008, A2, A5, A10 ERN 00975010, A23-A25, ERN 00975013-00975015, A52-A53, A57-A58, A60, A65. *See* **D118/222**, Written Record of Interview of Witness Hem Moeun, 3 April 2014, ERN 00988132, A6, ERN 00988135, A17; **D347/2.1.36**, Transcript of Hearing on the Substance in Case 002/02 [Hem Moeun], 02 August 2016, ERN 01351796-01351797, ERN 01351800, ERN 01351805-01351806. *See also* **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970087, A58.

<sup>758</sup> **D219/904**, Written Record of Interview witness Yoem Kuonh, 24 January 2017, ERN 01517499-01517500, A67-A71, ERN 01517501, A91-A92; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053949, A31; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053908, A33, A35, ERN 01053909, A39; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967027, A11.

<sup>759</sup> *See e.g.*, **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222397 (No. 1545, Em Man, Chief of Northwest Zone Commerce Ministry Transportation – Entry into S-21 16 June 1977), ERN 01222386 (Chhoeng Chuon alias Loeun, Member of Zone State Commerce – Entry into S-21 16 June 1977), ERN 01222501 (No. 4384, Neang Keav (Lav Keav) alias Khim, Chief of Pursat Hospital and Committee Member of Zone Hospital – Entry into S-21 20 June 1977), ERN 01222868 (No. 13174, Um Chhoeun alias Mai, Committee Chief of Cambodia-Thailand Border Relationship, before work as Deputy Secretary of Sector 6 (Former Member of Zone Office) – Entry into S-21 23 June 1977), ERN 01222640 (No. 7765, Ros Mao alias Than or Peang or Say, Chief of Zone Office (Member of Northwest Zone) (Former Secretary of Sector 1) (Deputy Secretary of Sector 1) – Entry into S-21 26 June or 10 July 1977), ERN 01222400 (No. 1600, Ham Chhi alias Chhoeu, Chief of Zone Mobile Unit and Military Section – Entry into S-21 28 June 1977), ERN 01222894 (No. 13742, Yim Chan (Yim Chay), Chief of Zone Commerce Rice-Grind Machine (previously messenger of Vanh Secretary of Sector) – Entry into S-21 30 June 1977), ERN 01222384 (No. 1267, Chhy Hauy alias Khai, Chief of Zone Technical Medication Physician – Entry into S-21 4 July 1977), ERN 01222538 (No. 5341, Chhouk Teng, Chief of Zone Mechanical Workshop – Entry into S-21 5 July 1977), ERN 01222473 (No. 3748, Ke Kim Huot alias Secretary of Sector 7 and Committee Chief of Zone Office – Entry into S-21 13 or 17 July



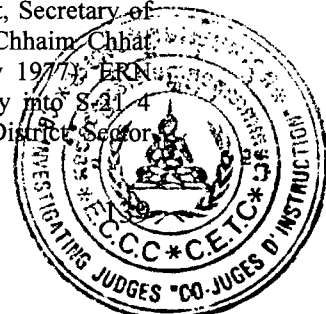
the general staff level.<sup>760</sup> The secretaries, deputies and committee members of sector,<sup>761</sup> district,<sup>762</sup> cooperative and village level<sup>763</sup> were also sent *en masse* to S-21.

01222548 (No. 5613, Nop Soeun, Chief of Zone Rice Grind Machine – Entry into S-21 16 July 1977), ERN 01222538 (No. 5343, Sa Sean alias Yean, Chief of Zone Food Warehouse – Entry into S-21 16 July 1977), ERN 01222815 (No. 11773, Tea Chim (Phea Chim), Chief of Zone Commerce in Phnom Penh (Chief of Northwest Zone Logistics - Receiving stand by Phnom Penh) – Entry into S-21 30 July 1977), ERN 01222537 (No. 5338, Moeun Mao, Chief of Zone Agriculture – Entry into S-21 30 July 1977), ERN 01222437 (No. 2737, Keo Kan alias Doeun, Assistant Zone Commerce Office – Entry into S-21 3 August 1977), ERN 01222399 (No. 1585, Hy Savy, Chief of Zone Construction – Entry into S-21 10 or 31 August 1977), ERN 01222856 (No. 12863, Ton Yeng, Chief of Transportation Team in Northwest Zone – Entry into S-21 23 August 1977), ERN 01222891 (No. 13686, Yapp Yan (Yapp Yeun) alias Sao, Chief of Zone Public Work Ministry – Entry into S-21 20 September 1977), ERN 01222572 (No. 6214, Vann Nhip, Chief of Zone Agriculture – Entry into S-21 23 October 1977), ERN 01222570 (No. 6162, Vay Hoeun (Aok Hoeun), Chief of Zone State Agriculture in Phnom Sampeou – Entry into S-21 18 December 1977), ERN 01222395 (No. 1497, Em Nut alias Song, Deputy Chief of Zone Security – Entry into S-21 16 January 1978), ERN 01222524 (No. 4934, Mom San alias Thong, Chief of Zone Hospital P-1 – Entry into S-21 24 or 29 January 1978), ERN 01222562 (No. 5969, Uk Chhatt (Uk Ry) alias Ry, Chief of Zone Hospital P-2 – Entry into S-21 28 January 1978).

<sup>760</sup> See e.g., **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222658 (No. 8179, Sou Neou, Member of Northwest Zone General Staff – Entry into S-21 13 June 1977), ERN 01222545 (No. 5537, Norng Sarim alias San, Secretary of Division 1 – Entry into S-21 20 June 1977), ERN 01222440 (No. 2832, Kaet Meun, Deputy Chief Commander of Regiment 60, Division 1 – Entry into S-21 21 June 1977), ERN 01222577 (No. 6336, Uk Chhoeung alias Chhorn, Commander of Division 1 – Entry into S-21 22 June 1977), ERN 01222805 (No. 11503, Sum Say, Deputy Commander of Regiment 40, Division 1 – Entry into S-21 4 July 1977), ERN 01222531 (No. 5173, Mao Saroeun, Deputy Commander of Regiment 14 in Division 2 – Entry into S-21 10 August 1977), ERN 01222672 (No. 8470, Sao Leng alias Ren, Secretary of Regiment 70 in Division 2 – Entry into S-21 24 August 1977), ERN 01222355 (No. 581, Chy Chiv alias Roeut, Commander of Regiment 70 in Division 2 – Entry into S-21 24 August 1977), ERN 01222374 (No. 1050, Chhum Then alias Khaury, Member of Division 2 – Entry into S-21 17 September 1977), ERN 01222407 (No. 1791, Phy Hinh (Hy Hing) alias Ham, Chief of Northwest Zone - Military Economics (Chief of Zone Farm) (Chief of Northwest Zone-Military Worksite) – Entry into S-21 13 or 14 September 1977), ERN 01222543 (No. 5464, Nem Mao alias Ny, Chief of Regiment 50 in Division 2 – Entry into S-21 17 September 1977), ERN 01222439 (No. 2785, Kang Kan, Chief of Zone Regiment 80 – Entry into S-21 17 September 1977), ERN 01222571 (No. 6182, Ok Phoeut, Commander of Regiment 20, Division 1 – Entry into S-21 5 October 1977), ERN 01222388 (No. 1353, Deng Nong alias Nam, Secretary of Regiment 30, Division 1 – Entry into S-21 15 October 1977), ERN 01222614 (No. 7223, Lim Chhuom alias Khleng, Deputy Secretary of Division 2 – Entry into S-21 18 December 1977).

<sup>761</sup> See e.g., **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222511 (No. 4617, Laok Thou (Laok Chhaut), Assistant, Sector Commerce – Entry into S-21 5 May 1977), ERN 01222537 (No. 5334, Me Chun (Men Chun) alias Hoeng, Secretary of Sector 5 – Entry into S-21 20 June 1977), ERN 01222369 (No. 913, Chea Huon alias Vanh, Secretary of Sector 1 – Entry into S-21 20 June 1977), ERN 01222737 (No. 9890, Sun Kun alias Suy, Deputy Secretary of Sector 4 – Entry into S-21 26 June or 22 July 1977), ERN 01222571 (No. 6173, Um Tauy, Secretary of Sector 7 – Entry into S-21 28 June 1977), ERN 01222415 (No. 1997, Ham Chhel alias Khan, Deputy Secretary of Sector 2 – Entry into S-21 10 July or 4 August 1977), ERN 01222574 (No. 6265, On Sam Oeun alias Saret, Member of Sector 2 – Entry into S-21 4 August 1977), ERN 01222852 (No. 12738, Tauch Muoch (Touch Muoch), Member of Sector 4 (Committee Chief of Sector 4) – Entry into S-21 5 or 6 August 1977), ERN 01222670 (No. 8441, Srei Oeum alias Ren, Committee Chief of Sector 2 before Secretary of Sector 1 – Entry into S-21 23 August 1977), ERN 01222390 (No. 1394, Doeuk Pheach (Doeur Pheach or Doeun Pheach) alias Nop Member of Sector 1 – Entry into S-21 12 September 1977), ERN 01222539 (No. 5370, Thin Thim (Minh Thoem or Minh Theum) alias Hieng or Heang, Secretary of Sector 4 – Entry into S-21 18 October or 18 December 1977), ERN 01222645 (No. 7872, Ran Chet alias Kou, Deputy Secretary of Sector 3 – Entry into S-21 18 November or 18 December 1977 or 18 March 1978).

<sup>762</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222329 (No. 24, An Maong, Secretary of Preah Net Preah District in Sector 5 – Entry into S-21 28 June 1977), ERN 01222740 (No. 9963, Suon San, Secretary of Serei Saophan District – Entry into S-21 27 or 28 June 1977), ERN 01222490 (No. 4182, Khim Huot, Secretary of Thmar Puok District, Sector 5 – Entry into S-21 17 July 1977), ERN 01222520 (No. 4823, Chhaim Chhat (Chhaim Sat), Deputy Secretary of Puok District, Sector 5 – Entry into S-21 28 or 29 July 1977), ERN 01222558 (No. 5863, Uoch Phon (Ouch Phon), Secretary of Maong District, Sector 2 – Entry into S-21 4 August 1977), ERN 01222398 (No. 1558, Em Some (Em Son), Deputy Secretary in Daun Teav District, Sector 3 – Entry into S-21 4 August 1977).



4 – Entry into S-21 5 August 1977), ERN 01222560 (No. 5909, Ngan Yem (Ngann Yem) alias Hatt, Secretary of Phnom Srok District, Sector 5 – Entry into S-21 4 September 1977), ERN 01222614 (No. 7220, Pauch Thik alias Thik, Deputy Secretary in Daun Teav District, Sector 4 – Entry into S-21 17 September 1977), ERN 01222577 (No. 6334, Hie Vann Secretary of District 41, Sector 4 – Entry into S-21 7 October 1977), ERN 01222855 (No. 12854, Toek Man alias Vai Secretary of District 41 Bakk Prea District, Sector 4 – Entry into S-21 7 or 8 October 1977), ERN 01222663 (No. 8293, Sautr Nel alias Phy, Deputy Secretary in Daun Teav District, Sector 4 – Entry into S-21 7 October 1977), ERN 01222351 (No. 492, Chann Oeun (Thann Oeun) alias Oeun, Secretary of Mongkul Borei District, Sector 3 – Entry into S-21 22 or 23 October 1977), ERN 01222646, (No. 7903, Reut Noal (Rit Nall) alias Tha, Secretary of Ampil District Sector 3 – Entry into S-21 22 October or 24 November 1977), ERN 01222446 (No. 2996, Kaet Prum alias Hea, Secretary of Phnom Sampeou District, Sector 3 – Entry into S-21 2 February 1978), ERN 01222680 (No. 8648, Svay Oeut, Secretary of Poipet District, Sector 3 – Entry into S-21 18 March 1978), ERN 01222695 (No. 8939, Chea Oeun, Deputy Secretary of Krakor District, Sector 2 – Entry into S-21 24 March or 1 April 1978), ERN 01222722 (No. 9568, Eng Rin alias Pheap, Deputy Secretary of Ampil District, Sector 3 – Entry into S-21 14 or 15 April 1978).

<sup>763</sup> See e.g., **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222621 (No. 7363, Lun Chhan, Chief of Village in Preah Net Preah District, Sector 5 – Entry into S-21 5 June 1977), ERN 01222515 (No. 4709, Mam Saem (Mam Soeung) alias Visess (Phea Pisess), Chief of Nimett Cooperative, Sector 3 – Entry into S-21 21 June 1977), ERN 01222663 (No. 8276, Sa Yuok Leng alias Leng, Chief of Kork Village in Preah Net Preah District, Sector 5 – Entry into S-21 4 July 1977), ERN 01222514 (No. 4685, Lun Sa (Lun Chhay), Chief of Tear Kam Village Cooperative, Sector 5 – Entry into S-21 24 July 1977), ERN 01222334 (No. 113, Boeun Ut alias Khiet, Chief of Tuek Thla Village Cooperative – Entry into S-21 26 July 1977), ERN 01222540 (No. 5394, Nhem Yim, Chief of Soriya Village Cooperative, Sector 3 – Entry into S-21 4 August 1977), ERN 01222498 (No. 4332, Lei Phut, Chief of Thmei Village Cooperative, Preah Net Preah District, Sector 5 – Entry into S-21 4 August 1977), ERN 01222520 (No. 4830, Muy Mao, Chief of Samraong Cooperative, Sector 5 – Entry into S-21 4 August 1977), ERN 01222564 (No. 6019, Soem Sam, Member of Khsaoy Village Cooperative, Sector 4 – Entry into S-21 17 September 1977), ERN 01222567 (No. 6094, Preh Chhan, Deputy Chief of Village Cooperative, Sector 4 – Entry into S-21 20 September 1977), ERN 01222567 (No. 6082, Thin Thuon, Chief of Commune Cooperative, Sector 5 – Entry into S-21 20 September 1977), ERN 01222567 (No. 6092, Pen Puoch, Chief of Commune Cooperative, Sector 4 – Entry into S-21 20 September 1977), ERN 01222569 (No. 6124, Bou Khim alias Khatt or Khat, Chief of Commune 4 Cooperative, Bakk Prea District, Sector 4 – Entry into S-21 23 September 1977), ERN 01222578 (No. 6354, Huot Soeun alias Say, Chief of Cooperative 2 in District 41, Sector 4 – Entry into S-21 6 or 7 October 1977), ERN 01222494 (No. 4226, Lok Born alias Horn, Chief of Roluos Cooperative, District 42, Sector 4 – Entry into S-21 7 October 1977), ERN 01222408 (No. 1825, He Pek, Chief of Cooperative in Daun Try District, Sector 4 – Entry into S-21 7 October 1977), ERN 01222502 (No. 4419, Loek Chi (Loek Cheun), Chief of Kako Cooperative, District 41, Sector 4 – Entry into S-21 7 October 1977), ERN 01222578 (No. 6349, Mok Mon, Chief of Prean Nil Cooperative, District 42, Sector 4 – Entry into S-21 7 October 1977), (No. 6350, Nhip Raen, Chief of Trang Cooperative, District 43, Sector 4 – Entry into S-21 7 October 1977), (No. 6351, You Rem, Chief of Cooperative in District 41, Sector 4 – Entry into S-21 7 October 1977), (No. 6352, Chao Soek or Chao Soem, Chief of Tuol Prum Cooperative, District 42, Sector 4 – Entry into S-21 7 October 1977), (No. 6355, Ping Thim, Chief of Ma Naok Village Cooperative, District 42, Sector 4 – Entry into S-21 7 October 1977), ERN 01222694 (No. 7951, Svay Pak, Chief of Cooperative in District 42, Sector 4 – Entry into S-21 19 October 1977), ERN 01222574 (No. 6269, Yim Hem (Him Hem), Chief of Thmar Pruos Village Cooperative, Sector 1 – Entry into S-21 29 October 1977), ERN 01222845 (No. 12571, Tep Khleng, Chief of Cooperative in Russey Krom, Sector 3 – Entry into S-21 22 or 28 November 1977), ERN 01222888 (No. 13615, Yao But (Yav But), Chief of Sathap Por Village, Sector 3 – Entry into S-21 24 November 1977), ERN 01222336 (No. 165, But Maet (But Maek or But Moeuk), Chief of Kampong Chhnang Cooperative, Sector 3 – Entry into S-21 24 November 1977), ERN 01222645, (No. 7865, Rem Nhim (Rem Nhip or Riem Nhim), Chief of Thmar Puok Cooperative, Sector 5 – Entry into S-21 25 November or 12 December 1977), ERN 01222537 (No. 5320, My Yoeun, Chief of Ta Krai Cooperative, Sector 3 – Entry into S-21 26 November 1977), ERN 01222413 (No. 1939, Chuon Yy (Chuon Se), Member of Prey Svay Cooperative, Sector 4 – Entry into S-21 28 November 1977), ERN 01222796 (No. 11302, Seng Cheng (Seng Choeun), Chief of Ream Kun Cooperative Worksite, Sector 4 – Entry into S-21 28 November 1977), ERN 01222818 (No. 11852, Tim Mut, Chief of Phies Cooperative, Sector 5 – Entry into S-21 12 December 1977), ERN 01222404 (No. 1723, Hou Chhut, Chief of Sangke Cooperative, Sector 3 – Entry into S-21 2 or 29 January 1978), ERN 01222701 (No. 9085, Sun Meakh, Chief of Samroang Cooperative, Sector 4 – Entry into S-21 20 January 1978), ERN 01222641 (No. 7791, Napp Pok, Chief of Cooperative 4, Sector 5 – Entry into S-21 20 January 1978), ERN 01222701 (No. 9086, So Um, Chief of Anlong Vil Cooperative, Sector 4 – Entry into S-21 20 January 1978), ERN 01222646 (No. 7888, Koy Sou, Chief of Anlong Vil Cooperative, Sector 4 – Entry into S-21 20 January 1978), ERN 012226648 (No. 7933, Prean Pao, Chief of Khpap Cooperative, Sector 4 – Entry into S-21 20 January 1978).





301. According to Duch, sending people to S-21 required the approval of the Centre Standing Committee.<sup>764</sup> Those brought to S-21 were interrogated and tortured.<sup>765</sup> Other cadres implicated in their confessions were then arrested and detained.<sup>766</sup> Almost without exception, S-21 detainees were killed.<sup>767</sup>
302. During the third wave in mid-1978, the arrival of more Southwest Zone cadres coincided with another round of mass arrests of Northwest Zone cadres,<sup>768</sup> including

January 1978), ERN 01222425 (No. 2286, Khatt Mao, Chief of Svay Cooperative, Sector 4 – Entry into S-21 31 January 1978), ERN 01222391 (No. 1418, Dam Chhatt, Chief of Banteay Treng Cooperative, Sector 3 – Entry into S-21 1 February 1978), ERN 01222396 (No. 1524, Em Ho, Deputy Chief of Cooperative 5 in Khsaoy Village, Sector 4 – Entry into S-21 2 February 1978), ERN 01222407 (No. 1796, Ham Chhouk, Chief of Rokar Cooperative, Sector 4 – Entry into S-21 4 February 1978), ERN 01222843 (No. 12536, Thao Dy, Chief of Roluos Cooperative, Sector 4 – Entry into S-21 5 February 1978), ERN 01222607 (No. 7056, Prum Sautr, Chief of Prek Trapp Cooperative, Sector 4 – Entry into S-21 7 February 1978), ERN 01222504 (No. 4442, Ly Yom, Chief of Samraong Cooperative, Sector 4 – Entry into S-21 8 February 1978), ERN 01222485 (No. 4066, Kang Song, Chief of Sak Traing Cooperative, Sector 4 – Entry into S-21 9 February 1978), ERN 01222393 (No. 1459, Dy Samin, Chief of Romdah Krao Cooperative, Sector 3 – Entry into S-21 10 February 1978), ERN 01222666 (No. 8348, Sao Pum, Chief of Chamnaom Cooperative, Sector 3 – Entry into S-21 18 March 1978), ERN 01222393 (No. 8334, Huon Chhann, Chief of Soeur Cooperative, Sector 3 – Entry into S-21 18 March 1978), (No. 8335, Mouv Yoeun, Chief of Lvea Cooperative, Sector 3 – Entry into S-21 18 March 1978), (No. 8336, Tep Lun, Chief of Phnom Tauch Cooperative, Sector 3 – Entry into S-21 18 or 19 March 1978), (No. 8337, Phing Yan alias Yoeun, Committee Chief of Sambor Cooperative, Sector 3 – Entry into S-21 18 or 19 March 1978), ERN 01222686 (No. 8764, Kaoy Yaing, Deputy Chief of Chung Ruk Cooperative, Phnom Sampeou District, Sector 3 – Entry into S-21 25 March 1978), ERN 01222685 (No. 8758, Preh Hour, Chief of Kampong Chhngang Cooperative, Sector 3 – Entry into S-21 25 March 1978), ERN 01222687 (No. 8790, Phon Chhea (Thon Chhea), Chief of Boeng Krasal Cooperative, Sector 3 – Entry into S-21 26 March 1978), ERN 01222759 (No. 10376, Chhun Yuom, Chief of Paoy Samraong Cooperative, Sector 3 (previously Chief of Zone Agriculture) – Entry into S-21 15 May 1978), ERN 01222805 (No. 11491, Kim Van alias Nall, Chief of Ponlai Cooperative, Phnom Srok District, Sector 5 – Entry into S-21 20 June 1978).

<sup>764</sup> **D6.1.1056**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 27 March 2008, ERN 00194551; **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204339; **D219/702.1.119**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 15 June 2009, ERN 00341704, lines 7-11.

<sup>765</sup> **D219/702.1.120**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 16 June 2009, ERN 00342032-00342034; **D6.1.95**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 28 November 2008, ERN 00244243.

<sup>766</sup> **D6.1.95**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 28 November 2008, ERN 00244243.

<sup>767</sup> **D6.1.1066**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 September 2007, ERN 00147582.

<sup>768</sup> **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970081-00970082, A14-A16, A19-A21; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974020, A33, ERN 00974023, A43, ERN 00974030-00974031, A85; 00974033, A96, ERN 00974044, A149; **D6.1.137**, Written Record of Interview of Lim Sat, 23 November 2008, ERN 00250762; **D118/3**, Written Record of Interview of Witness Pek Em, 9 December 2012, ERN 00978794, A7, ERN 00978796, A16-A17; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707, A67-A68; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522-01088523, A4-A7; **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111908, A17; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 December 2012, ERN 00937026-00937027, A12, A16-A19; **D219/416**, Written Record of Interview of Witness Lies Kung, 12 July 2015, ERN 01135074, A4, A6. *See also* **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969643, A35-A37, ERN 00969645-00969646, A46, A54-A55, ERN 00969649, A83; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029422, A24; **D219/124**, Written Record of Interview of Witness Tes Heanh, 22 May 2011, ERN 00710291.



the incumbent Zone Secretary Ros Nhim.<sup>769</sup> S-21 records show that high-ranking zone,<sup>770</sup> sector and district cadres,<sup>771</sup> along with military personnel<sup>772</sup> were imprisoned and executed between mid-1978 and late 1978.

<sup>769</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222915 (No. 14398, Muol Un alias Sambatt (Nhim), Secretary of the Northwest Zone); **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406700, lines 21-22; **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970081-00970082, A14-A16, A19-A21; **D118/102**, Written Record of Interview of Witness Toit Thoern, 10 September 2013, ERN 00974020, A33, ERN 00974023, A43, ERN 00974030-00974031, A85; 00974033, A96, ERN 00974044, A149. *See also* **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969644-00969646, A35-A37, A46, A54-A55, **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029422, A34; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053948, A26; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A10, ERN 01053607, A35. *Cf.* **D118/106**, Written Record of Interview of Witness Huon Choem, 22 September 2013, ERN 00978417-00978418, A2, A5-A7.

<sup>770</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222759 (No. 10376, Chhun Yuom, Chief of Paoy Samraong Cooperative in Sector 3, previously Chief of Zone Agriculture – Entry into S-21 15 May 1978), ERN 01222353 (No. 522, Chea Pheav (Chea Phiev or Chea Kiev), Deputy Chief of Zone Security – Entry into S-21 17 May 1978), ERN 01222518 (No. 4775, Mean Mis (Mean Mil) alias Khoeun, Chief of Messenger Team in Zone Office K-32 – Entry into S-21 12 June 1978), ERN 01222357 (No. 622, Chhin Khan (Chheun Khan), Deputy Chief of Zone Security – Entry into S-21 15 or 18 June 1978), ERN 01222803 (No. 11462, Nay Khuong (Leay Khuong), Deputy Chief of Zone Commerce – Entry into S-21 15 or 18 June 1978), (No. 11461, Lim Nam, Chief of Thma Kol Zone Agriculture (Chief of Northwest Zone Agriculture) – Entry into S-21 16 or 18 June 1978), ERN 01222567 (No. 6076, Ou Ros, Chief of Zone Communication – Entry into S-21 17 or 19 June 1978), ERN 01222520 (No. 4828, Sam Doeur (Saom Doeur or Muong Doeur) alias Loeum, Chief of Zone Factory (Chief of Zone Lathe Factory) (Chief of Northwest Zone Lathe Factory in Mongkul Borei) – Entry into S-21 17 or 19 June 1978), ERN 01222802 (No. 11436, Thip Ut (Thim Ut) alias San Vat (Savan), Clerk of Zone Agriculture – Entry into S-21 18 June 1978), ERN 01222844 (No. 12560, Tim Sdaeng alias Kraek, Chief of Zone Agriculture-Fishery – Entry into S-21 19 June 1978), ERN 01222803 (No. 11468, Un Sam-Ang, Deputy Chief of Thma Kol Zone Rice Grind Factory (Chief of Northwest Zone Rice Grind Machine) – Entry into S-21 21 or 30 June 1978)

<sup>771</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222410 (No. 1870, Hen Mi (Hen Me), Committee Member of Phnom Sampeou District (Secretary of Phnom Sampeou District, Sector 3) – Entry into S-21 15 or 18 June 1978), ERN 01222546 (No. 5553, Ngin Inh (Ngin Ing) alias Man, Committee Chief of Mongkul Borei District, Sector 3, (Secretary of Mongkul Borei District, Sector 3) – Entry into S-21 16 or 18 June 1978), ERN 01222357 (No. 617, Chheng Chhan alias Chhan Chhon, Secretary of Bavil District, Sector 3 – Entry into S-21 17 or 18 June 1978), ERN 01222520 (No. 4825, Mae My alias Mao Samai, Secretary of Paoy Pet District in Sector 3 – Entry into S-21 18 or 26 June 1978), ERN 01222351 (No. 480, Chea Tuy, Chief Committee of Phnom Srok District Sector 5 – Entry into S-21 18 or 27 June 1978), ERN 01222804 (No. 11486, Daung Phon alias Pril, Member of Preah Net Preah District Sector 5 – Entry into S-21 18 June 1978), (No. 11488, Hass Men (Hall Men or Hass Meng), Assistant Thmar Puok District in Sector 5 – Entry into S-21 12 or 19 June 1978), (No. 11489, Prok Yann, Assistant Thmar Puok District in Sector 5 – Entry into S-21 19 June 1978), (No. 11487, Chheng Met, Assistant Thmar Puok District in Sector 5 – Entry into S-21 20 June 1978), ERN 01222598 (No. 6857, Phok Tom (Phok Sary) alias Tom, Secretary of Sector 3 – Entry into S-21 25 or 29 or 30 June 1978), ERN 01222501 (No. 4395, Loek Soeut (Loek Soeun) alias Vung, Secretary of Sector 4 – Entry into S-21 26 or 27 June or 26 July 1978), ERN 01222495 (No. 4244, Lei Chhauy (Lai Chhauy), Secretary of Daun Teav District, Sector 4 – Entry into S-21 26 or 30 June 1978), ERN 01222804 (No. 11480, Prakk Khuop (Prakk Khuoch) alias Khuon, Secretary of Daun Try District Sector 4 – Entry into S-21 26 or 30 June 1978), (No. 11481, Yuok Hort alias Khuon, Secretary of Bakk Prea District Sector 4 – Entry into S-21 26 or 30 June 1978), (No. 11482, Chim Chan (Cheun Chan), Deputy Secretary of Daun Teav District in Sector 4 – Entry into S-21 26 or 30 June 1978), (No. 11483, Makk Vai, Deputy Secretary of Daun Try District in Sector 4 – Entry into S-21 26 or 30 June 1978), ERN 01222405 (No. 1749, Heng Rin alias Mei, Secretary of Sector 5 – Entry into S-21 16 November 1978).

<sup>772</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222801 (No. 11420, Chhoeun Chamraen (Khoeun Chamraen) alias Saraing (Larain), Commander of Battalion 80 of Zone General Staff – Entry into S-21 18 June 1978), (No. 11417, Than Then alias Saven, Secretary of Zone Mobile Battalion – Entry into S-21 18 June 1978).





303. Upon the removal of the highest level cadres around June 1978,<sup>773</sup> the Southwest Zone had acquired total control of the Northwest Zone.<sup>774</sup> Ta Mok formally became Northwest Zone Secretary<sup>775</sup> and appointed **Yim Tith** Deputy Zone Secretary.<sup>776</sup> In meetings throughout the Northwest Zone, Ta Mok, **Yim Tith** and other Southwest Zone cadres declared that they had replaced the incumbent cadres because they had betrayed *Angkar* and therefore needed to be purged.<sup>777</sup>

into S-21 18 June 1978), ERN 01222556 (No. 5819, Nem Spai (Nep Spai) alias Kong, Secretary of Battalion 19, Regiment 70, Division 2 – Entry into S-21 18 June 1978), ERN 01222520 (No. 4824, Ma Um, Secretary of Battalion 454-Battambang City Defense – Entry into S-21 21 June 1978), ERN 01222339 (No. 227, Chhim Siep, Commander of Battalion 457-Battambang City Defense (Deputy Secretary of Northwest Zone Battalion 457) – Entry into S-21 21 June 1978), ERN 01222680 (No. 8650, Srei Chhaim, Secretary of Battalion in Sector 4 Unit (Secretary of Battalion in Sector 4 Military) – Entry into S-21 27 or 30 June 1978).

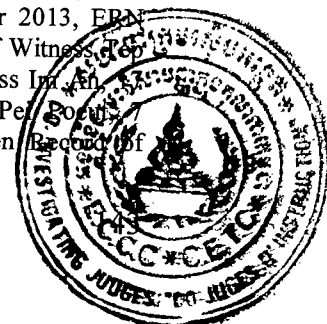
<sup>773</sup> See para. 302; *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 358.

<sup>774</sup> **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038, A9; **D118/3**, Written Record of Interview of Witness Pek Em, 9 December 2012, ERN 00978794, A7, ERN 00978796, A16, A17; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976961-00976962, A13. See also **D105/8**, Written Record of Interview of Witness Han Thy, 2 April 2012, ERN 00842061, A38; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130577, A18, A20; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348618, A99.

<sup>775</sup> **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174, A13; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A11; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958, A4, ERN 00976961-00976962, A13, ERN, A20-A21; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975009, A18, ERN 00975011, A35, A37; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978417, A7, ERN 00978419, A11; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638-00969639, A7, A11, ERN 00969642, A33; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090008, A14; **D123/1/5.1a**, DC-Cam Statement of Im Chaem, 4 March 2007, ERN 00089777; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040563, A54-A55; **D105/4**, Written Record of Interview of Witness Huy Krim, 16 February 2012, ERN 00787165, A19-A21; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031805, A173-A174; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178559, A55-A57. See also **D118/222**, Written Record of Interview of Witness Hem Moeun, 3 April 2014, ERN 00988132, A6; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974024, A46; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111828, A13-A15, ERN 01111833, A61; **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038-00975039, A8-A9, A14.

<sup>776</sup> See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-358.

<sup>777</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044680, A40; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978771, A22-A23;; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1, ERN 00970456, A29-A30; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18, ERN 00976927, A37; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574-01173575, A14-A15, A17-A19, ERN 01173578-01173581, A30, A32-A34, A44, A48-A49; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519-01207520, A75, A78; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491348-00491349, A3-A4; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974031, A86; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978424, A37; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969639-00969640, A13-A14, ERN 00969644, A40; **D219/142**, Written Record of Interview of Witness Im Chaem, 13 January 2015, ERN 01063721, A94; **D6.1.165**, Written Record of Interview of Witness Im Chaem, 13 June 2008, ERN 00274159-00274160; **D219/624**, Written Record of Interview of Witness Pek Em, 26 December 2015, ERN 01187716-01187717, A3, ERN 01187717, A8, A10; **D118/75**, Written

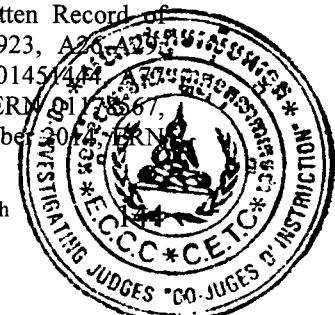


304. During the purge, the Southwest Zone cadres used the biographies previously recorded by the Northwest Zone cadres in order to determine who to arrest.<sup>778</sup> The Southwest Zone cadres invited Northwest Zone cadres on the pretence that they were to attend a study session, and once they arrived they were either sent for “*re-education*”; sent to a worksite to carry out forced labour or sent to one of the security centres or execution sites in the Northwest Zone where they were interrogated, tortured, and/or killed.<sup>779</sup> Family members of those purged were also routinely arrested and killed.<sup>780</sup>

Interview of Witness Huy Krim, 20 June 2013, ERN 00976615-00976616, A12-A13; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492930, A19, A21, A24-A28; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031804, A167; **D219/13**, Written Record of Interview of Witness Khun Sevinn, 17 September 2014, ERN 01047895, A38; **D219/164**, Written Record of Interview of Witness Chheang Meng, 28 January 2015, ERN 01076934, A71-A73; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168071-01168072, A55, A58, ERN 01168075-01168078, A74-A83, A86; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047705, A27-A30. *See also* **D118/5**, Written Record of Witness Interview of Tum Pheuy, 12 December 2012, ERN 00935596, A31; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 December 2012, ERN 00937027, A17; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16, ERN 00970100, A49-A51; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315904-00315905; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067735, A46-A47. *Cf.* **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216024, A13, A16.

<sup>778</sup> **D219/140**, Written Record of Interview of Witness Youk Neam, 12 January 2015, ERN 01063679, A125-A127; **D118/250**, Written Record of Interview of Witness Muth Voeuk, 4 June 2014, ERN 01032476-01032477, A41-A42, A46, ERN 01032480, A68; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031791-01031792, A75-A78, A81; **D219/37**, Written Record of Interview of Witness Suon Mot, 16 October 2014, ERN 01053621-01053622, A58, A61, A63. *See also* **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830-00981831, A24-A25, A27; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519560, A29; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975880, A59.

<sup>779</sup> **D6.1.794**, Telegram 100 : To Brother Nhim about situation of enemies in region 5, 4 December 2009, ERN 00441627; **D1.3.10.2**, Report of Sector 1 re Enemy Situation and the People's Standard of Living, 28 May 1977, ERN 00143567; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009700451-009700453, A1, A4, A7-A8; **D219/120**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050479-010150480, A104-A108; **D118/243**, Written Record of Interview of CHHAM Luy, 22 May 2014, ERN 01029402, A14-A15; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097408-01097409, A6-A14, A20-A21, A23-A24; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047708, A51-A53, ERN 01047710, A63; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092933, A21; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111808, A16; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974021, A35-A36, ERN 00974033, A96; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174-00787175, A10, A16, A19-A23; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13-A14; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A6-A8, ERN 00950729, A26-A27; **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970085, A40-A43; **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038-00975039, A8-A10; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2013, ERN 00937027, A18-A19; **D118/5**, Written Record of Witness Interview of Tum Pheuy, 12 December 2012, ERN 00935593, A17, ERN 00935595-00935596, A22, A29; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056853, A80; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 0135921, A18-A19, ERN 01035923, A20-A29; **D219/922**, Written Record of Interview of Witness Choem Nham, 15 February 2017, ERN 01451444 (hearsay); **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01172667, A101; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 15 December 2014, ERN 01067735, A46-A47.



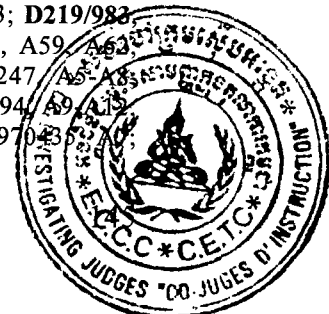
305. In some instances, Northwest Zone cadres were spared and allowed to continue in their positions in order to assist the Southwest Zone cadres, for example, by arresting other Northwest Zone cadres.<sup>781</sup> Others were able to escape to the jungle.<sup>782</sup>

01067733-01067734, A35-A38; **D219/305**, Written Record of Interview of Witness Ngim Chheuy, 7 May 2015, ERN 01111908, A17; **D219/748**, Written Record of Interview of Witness Srey Soeurn, 25 April 2016, ERN 01251810-01251811, A43-A45; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2015, ERN 01149248-01149250, A10, A19, A21-A22, ERN 01149252-01149253, A35-A39; **D118/250**, Written Record of Interview of Witness Muth Voeuk, 4 June 2014, ERN 01032489-01032490, A140, A144; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116100, A22; **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132664, A15; **D219/5**, Written Record of Interview of Witness Cheam Nhor, 12 September 2014, ERN 01047130, A58-A62.

<sup>780</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976967, A47; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050479-01050480, A103-A106, ERN 01050482, A122; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A14, A17; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097410, A42; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076963, A21; **D118/102**, Written Record of Interview of Witness Thoern, 10 September 2013, ERN 00974023, A43; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A6-A8; **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038-00975039, A8-A10; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638-00969639, A6-A7, ERN 00969647, A65; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090009, A22-A24, A29; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063712, A44; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 December 2012, ERN 00935592-00935593, A10-A11; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 December 2012, ERN 00937028-00937029, A26, A32; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922-00976923, A8-A11; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187716-01187717, A3, A8-A9, ERN 01187720, A15; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187728, A6; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149238, A23; **D118/196**, Written Record of Witness Interview of Roeung Sopheap, 13 March 2014, ERN 00986418, A84; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921, A20-A21; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034092, A58-A59; **D219/66**, Written Record of Interview of Witness Kung Chhom, 14 November 2014, ERN 01053984-01053985, A47-A48; **D219/175**, Written Record of Interview of Witness Hang Horn, 11 February 2015, ERN 01077005, A30-A31; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519566, A62. *See also* **D219/33**, Written Record of Interview of Witness Khin Khien, 15 October 2014, ERN 01040542-01040543, A2, A5-A6; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182680, A13.

<sup>781</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168066-01168072, A30-A38, A45, A47, A55, A58, ERN 01168075-01168076, A74-A83, ERN 01168079, A86-A89; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147871-01147872, A17, A21; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710-01128711, A20-A21; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139587-01139588, A31, A35-A36; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN00976958-00976959, A4; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A86-A87; **D219/830**, Written Record of Interview of Witness Seng Reut, 9 September 2016, ERN 01390107-01390108, A58, A61, ERN 01390111-01390112, A82, A90; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681, A15, A17; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874-01111876, A6, A12, A14-A15.

<sup>782</sup> **D219/830**, Written Record of Interview of Witness Seng Reut, 9 September 2016, ERN 01390111, A79-A80; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A23; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519565-01519566, A59, A62; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2015, ERN 01149247, A9, A15; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A83; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970455, A23.



306. Witnesses report that the overall discipline became harsher under the Southwest Zone cadres; for example, even those who made “*minor mistakes*” or were merely considered disloyal would be imprisoned or killed.<sup>783</sup>
307. The implementation and progress of the purge in the Northwest Zone was officially reported in the CPK’s “*Revolutionary Flag*” magazine.<sup>784</sup>

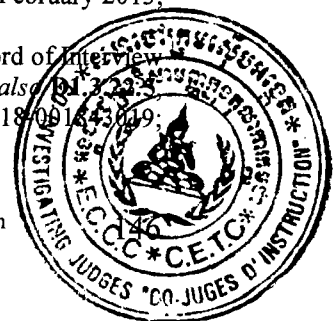
*Specific groups targeted in the Northwest Zone*

308. During meetings under the Northwest Zone and later the Southwest Zone administration, cadres and ordinary people were ordered to maintain constant vigilance against enemies and to report them to the upper echelons. Enemies included “*feudalists*” and

**D118/28**, Written Record of Interview of Witness Chhann Chhoeun, 11 February 2013, ERN 00901002, A16; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348628-01348629, A170-A172; **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974020, A33; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970100, A49; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111914-01111915, A7; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636-00969637, A2-A3; **D219/50**, Written Record of Witness Interview of Uy Chinda, 21 October 2014, ERN 01056846-01056847, A41; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, A17-A19, A20. *See also* **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079893, A132-A135, ERN 01079917-01079919, A317-A318, A326-A328; **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980543, A17-A18; **D219/953**, Written Record of Interview of Witness Choeng Chhoeurt, 17 March 2017, ERN 01451714, A35; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337025, A61-A62, A64; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156942, A23-A24; **D119/109**, Written Record of Interview of Civil Party Applicant Suon Luov, ERN 00984912-00984913, A64, A68-A70.

<sup>783</sup> **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053950, A34-A35, ERN 01053954, A64; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970101-00970102, A56, A66; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987748-00987749, A56-A60; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 December 2012, ERN 00937026, A12, ERN 00937028-00937029, A21, A32; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2015, ERN 01149254, A44; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981833-00981834, A44-A46; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178482, A74; **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213448-01213449, A23-A25; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492934, A47-A49, A51; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399453-01399454, A146-A148; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050477, A90-A92; **D118/213**, Written Record of Interview of Civil Party Applicant Yoem Khon, 1 April 2014, ERN 00986233-00986236, A44-A45, A56-A57, A60-A61, A70, ERN 00986239, A87-A89; **D119/49**, Written Record of Interview of Witness Thib Sambath, 15 June 2013, ERN 00966731-00966732, A36, A43-A44; **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047813, A128-A129; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391213, A65, ERN 01391222, A123. *See also* **D219/341**, Written Record of Interview of Witness Nu Sangay, 27 May 2015, ERN 01116065, A16-A17. *Cf.* **D118/30**, Written Record of Witness Interview Sam Sokhan, 17 February 2013, ERN 00901560, A8.

<sup>784</sup> **D1.3.22.6**, The Revolutionary Flag, May-June 1978, ERN 00185341; **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034089-01034090, A42, A44, A46. *See also* **D6.1.542**, The Revolutionary Flag, December 1977-January 1978, ERN 00184301, ERN 001843018-001843019; **D6.1.542**, The Revolution Flag, June 1977, ERN 00446857.



“capitalists”, Vietnamese (“*Yuon*”), Khmer Krom, Chinese, people connected to the former Lon Nol regime, and other “*internal enemies*”.<sup>785</sup> According to Muol Eng, the former Bavel District Secretary, an enemy was “*anyone who opposed, betrayed, complained or failed to work*” according *Angkar*’s plan. The witness added that “[i]f someone failed to work according to [the] plan he would be killed.”<sup>786</sup> The CPK sought to carry out “*shock assaults*” against these “*concealed enemies*”.<sup>787</sup>

309. As early as August 1975, the Standing Committee proclaimed the view that there were “*no-good elements*” among the hundreds of thousands of ‘17 April People’ transferred to the Northwest Zone.<sup>788</sup> The OCIJ S-21 List shows that from late 1975 until the end of 1976, there were approximately 100 arrivals from the Northwest Zone consisting largely of students, intellectuals, medics, engineers and ordinary people, and in some cases their family members were also imprisoned.<sup>789</sup> Between mid-1977 and late-1978,

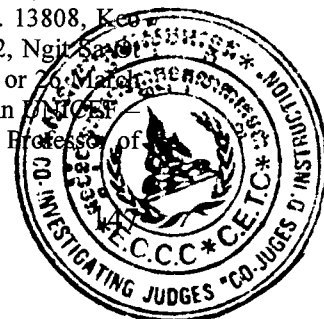
<sup>785</sup> **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491350-00491352, A5, A11; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047706, A35; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978777, A59-A62; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976963-00976965, A26-A29, A47; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111933, A15; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173585-01173588, A69-A71, A79-A81; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967031, A44; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970439, A41-A42; **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954060, A34. **Internal Enemies: D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2015, ERN 01149255, A48; **D101/1.1**, Written Record of Interview of Witness Por Bandeth, 2 September 2011, ERN 00746366-00746367; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031798, A124-A125; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399452-01399453, A138-A144; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067719, 148-A151; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047779-01047780, A80-A87; **D219/586**, Written Record of Interview of Witness Khun Mon, 3 November 2015, ERN 01178712-01178713, A105-A111, A113; **D219/784**, Written Record of Interview of Witness Mom Krath, 23 June 2016, ERN 01485066, A35; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147868, A2, ERN 01147870-01147871, A10-A14; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373661, A72-A74; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680-01117681, A17-A18, A20, A24; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18, ERN 00976927, A37, A41. *See also* **D118/250**, Written Record of Interview of Witness Muth Voek, 4 June 2014, ERN 01032475, A36, A38; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088584-01088586, A121-A122, A128, A130, A135, A149; **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132663, A7-A8; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944, A30, ERN 01156947, A44.

<sup>786</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111834-01111835, A81.

<sup>787</sup> **D6.1.743**, The Revolutionary Flag, 1 July 1978, ERN 00428293, ERN 00428296.

<sup>788</sup> **D1.3.24.1**, Minutes of Meeting of CPK Standing Committee, 24 August 1975, ERN 00850973-00850976.

<sup>789</sup> *See e.g.*, **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222883 (No. 13257, Peou Khun, Teacher (Education Ministry) – Entry into S-21 2 November 1975 or 5 April 1976), ERN 01222896 (No. 13808, Keo Peou, Student in Pursat (Private) – Entry into S-21 2 December 1975), ERN 01222559 (No. 5892, Ngit Saou (Ngit Sa-Ut or Ngin Sa-Um), Mine Engineer (Engineer of Industry) – Entry into S-21 10 January or 10 February 1976), ERN 01222386 (No. 1298, Chem Singatt alias Mrs Chin Van, Wife of Chin Ren, Teacher in Pursat (Private) – Entry into S-21 11 January or 6 or 14 March 1976), ERN 01222893 (No. 13728, Heng Chheng, Professor of









311. The campaign of arrests and killings extended to other specific groups in the Northwest Zone, including people accused of being Vietnamese (“*Yuon*”),<sup>797</sup> CIA or KGB;<sup>798</sup> the Khmer Krom;<sup>799</sup> Chinese;<sup>800</sup> ‘17 April People’;<sup>801</sup> former Buddhist monks.<sup>802</sup> A large

233, Chin Ren (Chin Re), Ministry of Finance (Inspector of Finance) – Entry into S-21 11 January or 14 March or 19 April 1976), ERN 01222882 (No. 13511, Ros Chhan, Chief of Forest (Governor of Water and Forest in Agriculture) – Entry into S-21 19 February 1976), ERN 01222893 (No.13732, Srei Satirin, Colonel – Entry into S-21 14 February 1976), ERN 01222498 (No. 4328, Leav Hor Se (Leav Hour Se), Chief of Office in Propaganda – Entry into S-21 14 February 1976), ERN 01222893 (No. 13716, Kann Kim Sreng (Tann Kim Sreng) alias Put, Captain – Entry into S-21 19 February 1976), ERN 01222557 (No. 5847, Nhep Noch (Nhep Nop) alias Kim Piset (Kim Piseth), Major Lieutenant (Bandit) – Entry into S-21 10 November 1976), ERN 01222389 (No. 1376, Phon Phal, Daughter of Major – Entry into S-21 15 November 1976), ERN 01222328 (No. 1, Chea Sinuon, Wife of Tao Chhun, who worked as Representative Ministry – Entry into S-21 13 or 14 November 1976), ERN 01222391 (No. 1421, Duong Bopha, Custom – Entry into S-21 27 November 1976).

<sup>796</sup> See e.g., **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222400 (No. 1604, Heng Hy, People in Damnakk Sala Cooperative, Commune 1, before work as Professor (former Captain) – Entry into S-21 16 June 1977), ERN 01222477 (No. 3863, Kang Chakk, New People in Sector 3, before Medic of Major – Entry into S-21 26 July 1977), ERN 01222414 (No. 1974, Ho Tong Ho, New People in Sector 3, before work as inspector of Primary in Phnom Penh – Entry into S-21 3 October 1977), ERN 01222723 (No. 9596, Seng Chann (Seng Chantha) (Seng Chann Than) alias Nin Ty, New People in Sector 3, before work as Cyclo Worker (New People in Ro Hatt Cooperative, Sector 3, before work as Captain) – Entry into S-21 7 January 1978), ERN 01222641 (No. 7790, Mak Soeun, New People in Sector 4, before work as Radio-Telegram Repairman (New People in Khsaoy Cooperative in Sector 4, before work in Post Office Ministry) – Entry into S-21 7 January 1978).

<sup>797</sup> **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542-00980543, A15, A17; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978427, A58; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987760, A132-A133; **D118/264**, Written Record of Interview of Witness Khem Sok, 25 June 2014, ERN 01033087-01033088, A61-A63; **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853-01066854, A4-A6; **D119/109**, Written Record of Interview of Civil Party Applicant Suon Lov, 24 March 2014, ERN 00984906-00984907, A10-A11; **D119/94**, Written Record of Interview of Witness Bou Mao, 21 February 2014, ERN 00982761, A37; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399441-01399442 A71-A72. See **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040573, A123, ERN 01040578, A167; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097411, A51; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638-00969639, A6-A8; **D118/3**, Written Record of Interview of Witness Pek Em, 9 December 2012, ERN 00978794, A7, ERN 00978795, A12-A13; **D118/4**, Written Record of Interview of Witness Kon Choek, 11 December 2012, ERN 00935587, A24, A26-A27.

<sup>798</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050627, A50-A52, ERN 01050630, A71; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976960, A10-A11; **D119/124**, Written Record of Interview of Witness Nhem En, 7 May 2014, ERN 01055652-01055655, A23-A25; **D118/249**, Written Record of Interview of Civil Party Son Em, 2 June 2014, ERN 01034092, A55-A59; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A6-A8, **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173585-01173588, A69-A71; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654, A17-A18; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986210, A25-A26.

<sup>799</sup> See *Factual findings on the JCE targeting the Khmer Krom*, paras 235-275.

<sup>800</sup> **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542-00980543, A15, A17-A18; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040570, 103-A104.

<sup>801</sup> **D119/73**, Written Record of Interview of Witness Nou Chuong, 20 January 2014, ERN 00980542-00980543, A15, A17-A18; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047710, A63; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040570, 103-A104; **D105/4**, Written Record of Interview of Witness Huy Krim, 16 February 2012, ERN 00787164-00787166, A5, A19-A31; **D119/94**, Written Record of Interview of Witness Bou Mao, 21 February 2014, ERN 00982761, A37; **D134/3**, Written Record of Interview of Witness Sat Chhann, 25 September 2013, ERN 00974286, A46; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October





number of people belonging to these targeted groups were killed in the network of security centres and execution sites in the Northwest Zone.<sup>803</sup>

312. People from the East Zone were also targeted. Commencing in late 1977, Southwest Zone cadres were sent to take control of the East Zone after suspicions arose that the East Zone cadres had colluded with the Vietnamese.<sup>804</sup> During a special meeting of the CPK senior military leadership in early 1978, the decision was made to evacuate all inhabitants of the East Zone to other parts in DK, including the Central Zone and the Northwest Zone, and to “sweep and make clean” the East Zone.<sup>805</sup> In late 1977 and throughout 1978,<sup>806</sup> tens of thousands of people were evacuated from the East Zone and

2015, ERN 01182681, A17, A19; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111933, A16.

<sup>802</sup> **D119/109**, Written Record of Interview of Civil Party Applicant Suon Lov, 24 March 2014, ERN 00984906-00984907, A10-A11; **D119/66**, Written Record of Interview of Witness Bin Hey, 26 November 2013, ERN 00975038-00975039, A8-A11, A14; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050639, A129; **D6.1.380**, Written Record of Interview of Witness Thun Sovat, 23 June 2009, ERN 00375894-00375895. See also **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222579 (No. 6370, Mao Thun alias Thai Thun, New People, before Monk in Po Veal Pagoda (New People, before Monk in Po Veal Pagoda in Battambang) – Entry into S-21 29 October 1977), ERN 01222726 (No. 9648, Suom Phoeun, New People in Cooperative 4, Sector 4, before be a Buddhist Monk (before Buddhist Monk in Battambang) – Entry into S-21 28 December 1977), ERN 01222640 (No. 7761, Chhun Chhoeut alias Phoan, New People in Sector 4, before Buddhist Monk in Enemy Sector (New People in Baset Cooperative, Sector 4, before Buddhist Monk in Enemy Sector) – Entry into S-21 14 February 1978).

<sup>803</sup> **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491351; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978428, A61; **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978796, A17; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040570, 103-A104; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111933, A16; **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974286, A46.

<sup>804</sup> **D6.1.98**, Written Record of Interview of Witness Chhouk Rin, 21 May 2008, ERN 00268870-00268876; **D6.1.742**, The Revolutionary Flag, 1 April 1978, ERN 00519850.

<sup>805</sup> **D6.1.98**, Written Record of Interview of Witness Chhouk Rin, 21 May 2008, ERN 00268870-00268876. See also **D1.3.30.2**, Telegram 94-Radio Band 1100-With Respect to Beloved Brother Pol, 2 April 1976, ERN 00182658; **D219/852.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Kaing Guek Eav alias Duch], 14 June 2016, ERN 01330784-01330785, ERN 01330787; **D1.3.29.7**, UNHCHR Suspect Statement of Kaing Guek Eav alias Duch, 4-6 May 1999, ERN 00185020; **D6.1.1063**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 5 May 2008, ERN 00204354; **D6.1.99**, Written Record of Interview of Witness Chhouk Rin, 29 July 2008, ERN 00268895, ERN 00268897; **D6.1.725**, Written Record of Interview of Witness Chhouk Rin, 26 November 2009, ERN 00414058, A1; **D219/792.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Van Mat alias Sales Ahmat], 9 March 2016, ERN 01216601-01216602, ERN 01216604, ERN 01216628-ERN 01216631; **D6.1.743**, The Revolutionary Flag, 7 July 1978, ERN 00428296; **D219/800**, Written Record of Interview of Witness So Saren, 19 May 2016, ERN 01331723, A76, A78, A81; **D219/837**, Written Record of Interview of Witness So Saren, 22 September 16, ERN 01364055, A18, A21; **D219/119.1.5**, Written Record of Interview of Civil Party Applicant Ou Dav, 3 November 2014, ERN 01055700; **D219/247**, Written Record of Interview of Civil Party Applicant Ou Dav, 30 March 2015, ERN 01093014-01093015, A4, A11-A14, ERN 01093018-01093019, A30, A31, A38, A40; **D219/331**, Written Record of Interview of Witness Phorn Sophal, 27 May 2015, ERN 01112051-01112052, A39, A48. *Contra* **D6.1.690**, Written Record of Interview of Witness Pech Chim, 6 December 2009, ERN 00422338, A7.

<sup>806</sup> **1977: D118/258**, Written Record of Interview of Civil Party Applicant Ruos Him, 11 June 2014, ERN 01000655, A31-A33; **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974285-00974286, A43, A46; **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 21 November 2009, ERN 00284423; **D6.1.136**, Written Record of Interview of Witness Sokh Khiek, 21 November 2009, ERN 00284423.

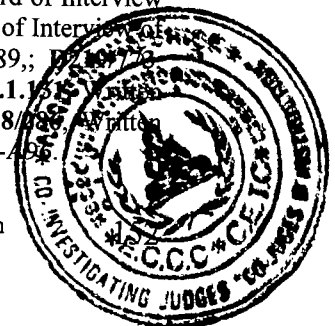


transported by boat, truck, and train to, *inter alia*, the Northwest Zone via Phnom Penh.<sup>807</sup> They were subsequently divided among various districts throughout the Northwest Zone, including Sectors 2 and 7.<sup>808</sup> *En route* to the Northwest Zone, East

00251006; **D6.1.131**, Written Record of Interview of Witness In Savi, 19 November 2008, ERN 00250756 ; **D219/16**, Written Record of Interview of Civil Party Applicant Mech Nanh, 18 September 2014, ERN 01034103, A33-A37. **1978**; **D118/122**, Written Record of Interview of Civil Party Applicant Thoeok Bun Roeun, 8 October 2013, ERN 00975867, A51-A53; **D118/175**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976616, A14, ERN 00976620, A41, A44; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031808, A199-A202; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079304, A83-A84; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116103, A48-A49; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373917; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 September 2013, ERN 00974268, A39-A40; **D118/225**, Written Record of Interview of Civil Party Applicant Chea Pren, 22 April 2014, ERN 01061131, A53-A55; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600, A76-A77, ERN 01088602, A93; **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978755, A30-A31, ERN 00978758, A49; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053846, A12-A13; **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoeun, 22 December 2014, ERN 01059986-01059988, A80-A81; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213370, A115; **D118/217**, Written Record of Interview of Civil Party Applicant Mey Sam, 4 April 2014, ERN 00985661, A54; **D118/236**, Written Record of Interview of Witness Phan Not, 14 May 2014, ERN 01055621, A37-A38; **D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974304-00974305, A28-A30; **D6.1.759**, Written Record of Interview of Civil Party Application Kim So alias Song Kimso, 1 October 2009, ERN 00388621-00388622.

<sup>807</sup> **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168048-01168049, A48, ERN 01168054-01168055, A92-A99; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976616, A14; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031808, A200-A202; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986702, A108-A111; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600-0108602, A76-A78, A82, A91-A93; **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978755-00978756, A30-A37; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207565-01207566, A69-A74; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251825-01251826, A85-A86, A89-A96; **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoeun, 22 December 2014, ERN 01059986-01059988, A80-A87; **D118/265**, Written Record of Interview of Witness Pring Proeun, 26 June 2014, ERN 01031750, A82-A85; **D6.1.131**, Written Record of Interview of Witness In Savi, 19 November 2008, ERN 00250756; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 September 2013, ERN 00974268, A39-A40; **D219/605**, Written Record of Interview of Witness Khoem Samon, 19 November 2015, ERN 01185793, A4-A5, ERN 01185795, A7, A11; **D219/16**, Written Record of Interview of Civil Party Applicant Mech Nanh, 18 September 2014, ERN 01034103-01034104, A38-A43, A46-A47, A50. *See also* **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A3-A4; **D6.1.763**, Written Record of Interview of Civil Party Chhum Sokha, 2 October 2009, ERN 00380714-00380715; **D219/555**, Written Record of Interview of Civil Party Ker Tin, 22 October 2015, ERN 01178636, A64-A65.

<sup>808</sup> **D118/122**, Written Record of Interview of Civil Party Applicant Thoeok Bun Roeun, 8 October 2013, ERN 00975867, A51-A53; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976616, A14; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168054-01168055, A92-A94, A97; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047758, A140-A141; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373917; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600, 01088602, A76-A77, A93; **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978756, A34, A37; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207565, A69-A72; **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoeun, 22 December 2014, ERN 01059986-01059988, A80-A89; **D219/776**, Written Record of Interview of Witness Yin Nean, 2 June 2016, ERN 01307923, A52-A55; **D6.1.131**, Written Record of Interview of Witness In Savi, 19 November 2008, ERN 00250756. *See also* **D118/126**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044704, A95-A96.



Zone Evacuees were given blue scarves (*krama*) to wear, in order to make them easily identifiable.<sup>809</sup> According to some witnesses, East Zone Evacuees were also distinguishable by their accent.<sup>810</sup>

313. The CPK considered East Zone Evacuees to be traitors and enemies based on suspicions that they harboured allegiance to Vietnam.<sup>811</sup> Throughout 1978, in meetings at various levels of the CPK hierarchy the killing of East Zone people was discussed.<sup>812</sup> In meetings in Bakan District, Sector 2, in late 1978, Yeay Rim, on the Bakan Leu District Committee,<sup>813</sup> ordered her subordinates to kill the East Zone Evacuees,

<sup>809</sup> **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978755, A32; **D118/286**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044704, A90; **D118/265**, Written Record of Interview of Witness Pring Proeun, 26 June 2014, ERN 01031750, A82-A85; **D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN, A99-A101; **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoeun, 22 December 2014, ERN 01059988-01059989, A92-A93; **D118/217**, Written Record of Interview of Civil Party Applicant Mey Sam, 4 April 2014, ERN 00985656, A23-A24, ERN 00985660, A49-A52.; **D6.1.143**, Written Record of Interview of Witness Chak Muli, 13 January 2009, ERN 00288202-00288203; **D6.1.763**, Written Record of Interview of Civil Party Applicant Chhum Sokha, 2 October 2009, ERN 00380715; **D219/282**, Written Record of Interview of Witness Hel Uon, alias Duong Uon, 27 April 2015, ERN 01098545, A36-A44, ERN 01098547, A66; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974293, A11; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168048-01168049, A48. Cf. **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986702, A107; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079304, A83; **D118/200**, Written Record of Interview of Civil Party Applicant Ruos Ny, 12 March 2014, ERN 00985126, A56; **D118/261**, Written Record of Interview of Witness Lun Long, 23 June 2014, ERN 01031736, A66; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031809, A206; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047759, A144; **D219/16**, Written Record of Interview of Civil Party Applicant Mech Nhanh, 18 September 2014, ERN 01034105, A55; **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098518, A83.

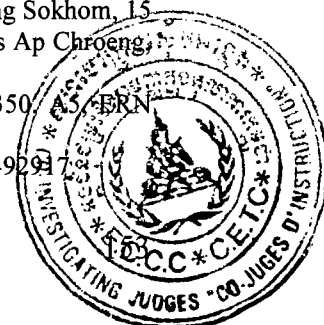
<sup>810</sup> **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoeun, 22 December 2014, ERN 01059989-01059990, A93-A96; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986681, A77; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025238, A65; **D118/236**, Written Record of Interview of Witness Phan Not, 14 May 2014, ERN 01055621, A37-A39.

<sup>811</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047788, A146-A152; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025236-01025237, A58; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116106, A87; **D118/257**, Written Record of Interview of Witness Chhat Phan, 21 October 2014, ERN 01031964-01031965, A120. See also **D219/653**, Written Record of Interview of Witness Ong Sorn, 18 January 2016, ERN 01207496, A66-A67; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986739-00986740, A82-A86.

<sup>812</sup> **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031806, A184-A186, ERN 01031810, A212-A216; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986739-00986740, A82-A92; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116106, A87-A88; **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423-00284424; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047788, A146-A152; **D219/242**, Written Record of Interview of Witness Ap Chroeng, 27 March 2015, ERN 01092981, A77-A78.

<sup>813</sup> **D6.1.991**, Written Record of Interview of Witness Uk Soem, 3 March 2010, ERN 00491350, A5-ERN 00491354, A19.

See also **D6.1.984**, Written Record of Interview of Witness Sek Sam At, 23 March 2010, ERN 00492981, A5-ERN 00492985, A19.



although she denies this.<sup>814</sup> Killings of East Zone Evacuees in Bakan District, Sector 2 and Kandieng District, Sector 7 occurred throughout 1978 and intensified significantly at the end of 1978 until the end of DK.<sup>815</sup>

### 5.2.2.3 The regulation of marriage

314. The CPK's policy on marriage was designed to achieve the objectives of increasing the population and building ideologically pure families. This policy was implemented by forcing people to marry a spouse chosen by *Angkar* and, in many cases, compelling the couple to consummate their marriage. The CPK regulated marriage throughout

<sup>814</sup> **D219/242**, Written Record of Interview of Witness Ap Chroeng, 27 March 2015, ERN 01092980-01092981, A62-A78; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 0104788, A146-A152; **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178738, A111-A114; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185839, A93-A94. *See also* **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491350-00491352, A5, A7-A8, A13; **D6.1.984**, Written Record of Interview of Witness Sek Sam At, 23 March 2010, ERN 00492917. *Contra* **D219/869**, Written Record of Interview of Witness Sek Sam At, alias Yeay Rim, 10 November 2016, ERN 01365563-01365564, A61-A71.

<sup>815</sup> **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976620, A41; **D219/242**, Written Record of Interview of Witness Ap Chroeng, 27 March 2015, ERN 01092980-01092984, A62-A66, A76-A78, A80-A83, A85-A89, A96; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981841-00981842, A94-A96; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079304-01079305, A83-A86; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116103-01116106, A48-A49, A57-A60, A77-A85; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168049, A49-A52, ERN 01168054-01168056, A92-A110; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047758-01047759, A139-A140; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373917; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 September 2013, ERN 00974268, A39; **D6.1.763**, Written Record of Interview of Civil Party Applicant Chhum Sokha, 2 October 2009, ERN 00380714; **D118/225**, Written Record of Interview of Civil Party Applicant Chea Pren, 22 April 2014, ERN 01061131-01061132, A53-A55, A59-A61; **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978758-00978759, A49-A50, A57; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986739-00986740, A84-A88; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055759-01055760, A100-A101; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207566, A76; **D219/678**, Written Record of Interview of Witness Heng Nguon, 4 February 2016, ERN 01213392, A65; **D219/653**, Written Record of Interview of Witness Ong Sorn, 18 January 2016, ERN 01207496, A61-A64; **D118/217**, Written Record of Interview of Civil Party Applicant Mey Sam, 4 April 2014, ERN 00985661-00985663, A54-A55, A59-A62; **D219/842**, Written Record of Interview of Witness Lam Savuon, 5 October 2016, ERN 01485111-01485112, A28-A30; **D118/236**, Written Record of Interview of Witness Phan Not, 14 May 2014, ERN 01055621-01055622, A37-A41; **D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974304-00974305, A28-A32; **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178738, A111-A114; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975867, A51-A55; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985081-00985083, A25-A38. *See also* **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600-01088602, A76-A82; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031806, A184-A187, ERN 01031808-01031811, A199-A217; **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047809-01047811, A93-A97, A101; **D219/869**, Written Record of Interview of Witness Sek Sam At, alias Yeay Rim, 10 November 2016, ERN 01365564, A61-A71; *also* **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A177-A179; *Phum Veal Security Centre*, paras 747-770; *Tuol Seh Nhauv Execution Site*, paras 797-809; *Phum Veal Execution Site*, paras 811-825; *Prison No. 8*, paras 921-938; *Veal Bak Chunching Execution Site*, para 7.



Cambodia, including in the Northwest Zone, both before and during the administration of the Southwest Zone cadres. As shown by his presence at least at the beginning of one mass-wedding ceremony in Samlaut District and a few days after to give instructions to the newlyweds, **Yim Tith**, as part of the Northwest Zone Committee and Secretary of Sectors 1 and 4, supported the CPK policy on the regulation of marriage.<sup>816</sup>

315. The CPK redesigned, reconstructed and regulated the institution of marriage to achieve CPK objectives of increasing population growth through procreation,<sup>817</sup> and building so-called “*revolutionary families*”,<sup>818</sup> to further its revolutionary mission and party lines.<sup>819</sup> Under the CPK, individual aspirations for marriage and family were subordinate to revolutionary goals.<sup>820</sup> One *Revolutionary Youth* magazine, reprinted in June 1975, states that building families was not just “*to have children [or] grandchildren*”, but “*so that the revolution may achieve its highest mission*” and “*advance socialism and communism*”.<sup>821</sup>

316. From late 1975 until at least November 1978, the CPK aimed to increase the Cambodian population from eight million to 15-20 million over 10 to 15 years, in order to exploit Cambodia’s natural resources and ensure the defence of the country.<sup>822</sup> These

<sup>816</sup> See *Forced marriage in Sectors 1 and 4*, paras 980-991.

<sup>817</sup> **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151165, A64-A70; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139555, A48-A49, ERN 01139569, A152; **D219/398**, Written Record of Interview of Witness Ruos Suy, 7 July 2015, ERN 01147811, A86; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050568, A31; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [Nget Chat], 25 October 2016, ERN 01371146, lines 23-25; **D5/1334/3**, Transcript of Hearing on the Substance in Case 002/02 [Chea Dieb], 30 August 2016, ERN 01369989-01369990; **D5/1166/3.1**, Transcript of Hearing on the Substance in Case 002/02 [Sou Sotheavy], 23 August 2016, ERN 01369726, lines 18-22; **D219/115.1**, Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, 2014, Cambodian Defenders Project, Cambodia, ERN 01045677; **D219/370.1.3**, Foreign Broadcast Information Service collection of reports for June 1978, 16 June 1978, ERN 00169824.

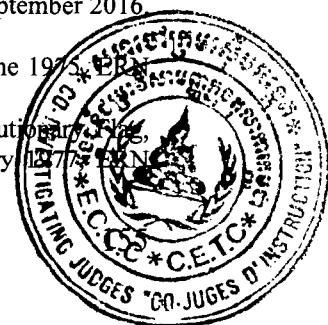
<sup>818</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943; **D6.1.753**, The Revolutionary Flag, September - October 1976, ERN 00450539.

<sup>819</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943, ERN 001417945.

<sup>820</sup> **D1.3.31.1**, Minutes of the Meeting of the Standing Committee, 21 July to 2 August 1976, ERN 00104076; **D219/370.1.15**, The Revolutionary Youth, 1 October 1978, ERN 00539994; **D1.3.22.1**, The Revolutionary Flag, October 1975, ERN 00357909-00357910; **D219/370.1.5**, Henri Locard, *Le Petit Livre Rouge de Pol Pot (Pol Pot's Little Red Book)*, 2004, Silkworm Books, Thailand, ERN 00394738. See also: **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151161, A45-A46; **D219/888.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 11 October 2016, ERN 01361249-01361252; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361821.

<sup>821</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943.

<sup>822</sup> **D6.1.746**, The Revolutionary Flag, November 1975, ERN 00495808; **D6.1.745**, The Revolutionary Flag, September 1978, ERN 00488637; **D6.1.755**, The Revolutionary Flag, December 1976 - January 1977, ERN 00488637.



objectives, which were widely disseminated through meetings within Cambodia,<sup>823</sup> were also communicated by CPK leaders to the United Nations General Assembly and foreign delegations.<sup>824</sup>

317. Although CPK propaganda and statements by Pol Pot portrayed marriage under the CPK as a voluntary agreement between the couple and *Angkar*,<sup>825</sup> the ubiquitous pattern of coerced marriages and consummation throughout Cambodia, including in the Northwest Zone, shows that these were not isolated occurrences but were central to the CPK's policy on marriage.
318. Forced marriages organised through mass weddings and the forced consummation of marriage took place in at least 16 provinces throughout Cambodia,<sup>826</sup> including in the

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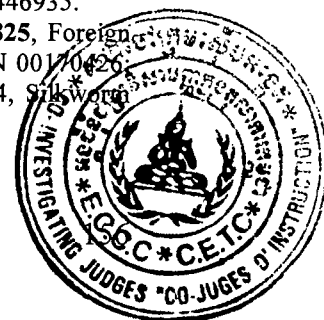
00491435; **D6.1.742**, The Revolutionary Flag, 1 April 1978, ERN 00519834; **D6.1.739**, The Revolutionary Flag, September 1977, ERN 00486263; **D6.1.827**, Foreign Broadcast Information Service collection of reports for November 1978, 30 November 1978, ERN 00170124; **D6.1.826**, Foreign Broadcast Information Service collection of reports for October 1978, 31 October 1978, ERN 00170269; **D6.1.825**, Foreign Broadcast Information Service collection of reports for September 1978, 26 September 1978, ERN 00170426-00170428; **D6.1.816**, Foreign Broadcast Information Service collection of reports for October 1977, 4 October 1977, ERN 00168651, ERN 00168719; **D6.1.1257**, UN General Assembly, Plenary Meetings, A/32/PV.28, 11 October 1977, ERN 00079813, ERN 00079815; **D219/370.1.9**, UN Economic and Social Council, Note by the Secretary-General regarding the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to Colonial and other dependent countries and territories, E/CN.4/1295, 13 June 1978, ERN 00075933; **D219/762**, Written Record of Interview of Witness Saray Hean, 19 May 2016, ERN 01309805, A108; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151165, A64-A67; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139555, A48, ERN 01139569, A152, ERN 01139573, A188; **D117/36.1.3**, Written Record of Interview of Witness Chuon Thi, 2 March 2010, ERN 00513314, A4; **D219/370.1.10**, Written Record of Adversarial Hearing of Nuon Chea, 19 September 2007, ERN 00148699; **D219/370.1.6**, Transcript of Hearing on the Substance in Case 002 [Chuon Thi], 24 April 2013, ERN 00905360-00905361; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [Say Naroeun], 25 October 2016, ERN 01371176.

<sup>823</sup> **D117/36.1.3**, Written Record of Interview of Witness Chuon Thi, 2 March 2010, ERN 00513314; **D219/370.1.6**, Transcript of Hearing on the Substance in Case 002 [Chuon Thi], 24 April 2013, ERN 00905414, A4; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [Say Naroeun], 25 October 2016, ERN 01371176.

<sup>824</sup> **D6.1.1257**, UN General Assembly, Plenary Meetings, A/32/PV.28, 11 October 1977, ERN 00079813; **D6.1.816**, Foreign Broadcast Information Service collection of reports for October 1977, 4 October 1977, ERN 00168651; **D6.1.825**, Foreign Broadcast Information Service collection of reports for September 1978, 26 September 1978, ERN 00170428; **D6.1.827**, Foreign Broadcast Information Service collection of reports for November 1978, 30 November 1978, ERN 00170428; **D347/2.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Elizabeth Becker], 9 February 2015, ERN 01453629-01453630; **D347/2.1.20**, Transcript of Hearing on the Substance in Case 002/02 [Elizabeth Becker], 10 February 2015, ERN 01446933-01446935.

<sup>825</sup> **D219/370.1.15**, The Revolutionary Youth, 10 October 1978, ERN 00539994. See also **D6.1.825**, Foreign Broadcast Information Service collection of reports for September 1978, 26 September 1978, ERN 00170426; **D219/370.1.5**, Henri Locard, *Le Petit Livre Rouge de Pol Pot (Pol Pot's Little Red Book)*, 2004, Silk Worm Books, Thailand, ERN 00394897.

<sup>826</sup> See Annex III, *Witnesses of forced marriage by province*.



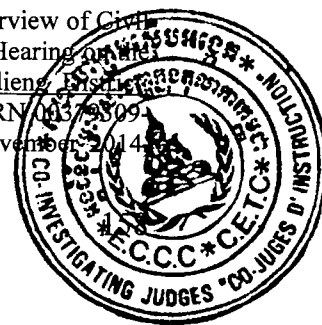
Northwest Zone,<sup>827</sup> such as in Sectors 1 and 4 where group weddings with up to 83 couples were organised.<sup>828</sup>

<sup>827</sup> **Battambang Province:** Banan District: **D118/295**, Written Record of Interview of Witness Sum Voeut, 23 August 2014, ERN 01044706-01044717; **D219/36**, Written Record of Interview of Witness Chhuom Saveoun, 15 October 2014, ERN 01053596-01053608; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077046-01077054; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120039-01120057; **D219/411**, Written Record of Interview of Witness Chhorn Chhoeun, 7 July 2015, ERN 01142907-01142919; **D219/532**, Written Record of Interview of Witness Lies Kung, 23 September 2015, ERN 01180929-01180934. Koas Krala District: **D118/210**, Written Record of Interview of Witness Hul Peou, 25 March 2014, ERN 00985139-00985146; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047699-01047723; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111804-01111812; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128707-01128724; **D219/453**, Written Record of Interview of Witness Yat Yoeun, 10 August 2015, ERN 01151136-01151151; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985164, A104, ERN 00985165, A113; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033029-01033046. Moung Ruessei District: **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040485-01040507; **D219/246**, Written Record of Interview of Witness Lin Samnang, 30 March 2015, ERN 01093005-01093011; **D219/192**, Written Record of Interview of Civil Party Applicant Yorp Sinit, 19 February 2015, ERN 01079346-01079373; **D219/335**, Written Record of Interview of Civil Party Applicant Khân Chreng, 22 May 2015, ERN 01118150-01118155. Ratanak Mondol District: **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053942-01053958; **D219/65**, Written Record of Interview of Witness Sie Korn, 12 November 2014, ERN 01053959-01053974. Samlaut District: **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053899-01053918; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111857-01111864; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382711-01382715, ERN 01382720-01382754, ERN 01382775-01382782; **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044729-01044749. Sangkae District: **D118/262**, Written Record of Interview of Witness Tep Phon, 24 June 2014, ERN 01033047-01033062; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044718-01044728; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045467-01045488; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047093-01047119; **D219/16**, Written Record of Interview of Civil Party Applicant Mech Nhanh, 18 September 2014, ERN 01034097-01034122; **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050579-01050601; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050618-01050640; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050666-01050689; **D219/71**, Written Record of Interview of Witness Lin Nhak, 19 November 2014, ERN 01055659-01055681; **D219/101**, Written Record of Interview of Witness Kao Sorn, 29 November 2014, ERN 01075220-01075234; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067697-01067727; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067728-01067760; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn alias Khiem Saon, 5 January 2015, ERN 01072536-01072556; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063703-01063722; **D219/147**, Written Record of Interview of Witness Mann Chuon, 15 January 2015, ERN 01063744-01063783; **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066832-01066840; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072559-01072568; **D219/207**, Written Record of Interview of Civil Party Applicant Long Choeum, 25 February 2015, ERN 01088503-01088506; **D219/238**, Written Record of Interview of Civil Party Applicant Phan Sarâng, 25 March 2015, ERN 01092938-01092947; **D219/254**, Written Record of Interview of Witness Ry Rang, 31 March 2015, ERN 01095807-01095814; **D219/261**, Written Record of Interview of Witness Khoeun Sngoeun, 6 April 2015, ERN 01095834-01095846; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098479-01098488; **D219/299**, Written Record of Interview of Witness Mak Met, 1 May 2015, ERN 01111865-01111870; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111871-01111877; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111878-01111885; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choeun, 4 May 2015, ERN 01111886-01111891; **D219/305**, Written Record of Interview of Witness Ngin Chhe





2015, ERN 01111904-01111911; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111912-01111920; **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111921-01111928; **D219/311**, Written Record of Interview of Civil Party Applicant Peng San, 10 May 2015, ERN 01111942-01111946; **D219/312**, Written Record of Interview of Witness Pâng Thai, 13 May 2015, ERN 01111947-01111955; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116326-01116341; **D219/393**, Written Record of Interview of Witness Tek Sim, 24 June 2015, ERN 01130581-01130585; **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152254-01152265; **D219/412**, Written Record of Interview of Witness Koch Rien, 8 July 2015, ERN 01142920-01142938; **D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135045-01135054; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135120-01135134; **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218587-01218594; **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216203-01216209; **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218606-01218611; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390059-01390075; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390076-01390095; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391201-01391228; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399394-01399428; **D219/872**, Written Record of Interview of Witness Touch Mary, 23 November 2016, ERN 01375357-01375371; **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492877-01492893; **D219/841**, Written Record of Interview of Civil Party Applicant Heng Kuylang, 26 September 2016, ERN 01390123-01390142; **D219/866**, Written Record of Interview of Witness Loey Mon, 4 November 2016, ERN 01373663-01373676; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373677-01373682; **D219/414**, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135063; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A4. Srey Sophorn District: D118/250, Written Record of Interview of Witness Muth Voek, 4 June 2014, ERN 01032470-01032496. Pursat Province: Bakan District: D118/194, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986725-00986743; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055742-01055761; **D118/228**, Written Record of Interview of Civil Party Applicant Meng Chhon, 24 April 2014, ERN 01056752-01056766; **D118/234**, Written Record of Interview of Witness Tum Nga, 13 May 2014, ERN 01055596-01055611; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034927-01034948; **D118/248**, Written Record of Interview of Civil Party Applicant Ly Lon, 30 May 2014, ERN 01034967-01034990; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031952-01031967; **D118/264**, Written Record of Interview of Witness Khem Sok, 25 June 2014, ERN 01033078-01033089; **D118/265**, Written Record of Interview of Witness Pring Proeun, 26 June 2014, ERN 01031739-01031755; **D118/273**, Written Record of Interview of Witness Nget Yi (Chhut Yi), 9 July 2014, ERN 01035026-01035072; **D219/5**, Written Record of Interview of Witness Cheam Nhor, 12 September 2014, ERN 01047120-01047137; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047739-01047764; **D219/7**, Written Record of Interview of Witness Ven Yoeu, 14 September 2014, ERN 01047902-01047925; **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047793-01047815; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040553-01040586; **D219/184**, Written Record of Interview of Witness Hâm Sinuon, 13 February 2015, ERN 01079310-01079330; **D219/185**, Written Record of Interview of Witness Some Moeun, 14 February 2015, ERN 01079794-01079810; **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079870-01079927; **D219/219**, Written Record of Interview of Witness Sum Rem, 8 March 2015, ERN 01088555-01088565; **D219/221**, Written Record of Interview of Witness ██████ Sieng, 10 March 2015, ERN 01104752-01104774; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088575-01088591; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088592-01088603; **D6.1.591**, Written Record of Interview of Witness Mour SETHA, 19 August 2009, ERN 00373370; **D219/243**, Written Record of Interview of Civil Party Applicant Van Sâng, 28 March 2015, ERN 01092985-01092995; **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117985-01117994; **D219/338**, Written Record of Interview of Civil Party Applicant Heng My, 25 May 2015, ERN 01117683-01117697; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986706-00986724; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002/02 [Nget Chat], 25 October 2016, ERN 01371140; **D118/223**, Written Record of Interview of Civil Party Applicant Koem Huoy, 21 April 2014, ERN 01057645, A39; **D219/888.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Pen Sochan], 12 October 2016, ERN 01361413-01361414. Kandieng District: D6.1.761, Written Record of Interview of Civil Party Applicant Yim Sovann, 27 August 2009, ERN 00379317; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014,





319. There were severe consequences for those who refused to marry or to consummate their marriage. For example, they could be sent for re-education,<sup>829</sup> subjected to physical violence,<sup>830</sup> raped,<sup>831</sup> or killed.<sup>832</sup> They would also be threatened with such

ERN 01053842-01053863; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079777-01079793; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079289-01079309; **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098457-01098463; **D219/279**, Written Record of Interview of Witness Kou Molly, 24 April 2015, ERN 01098530-01098540. Kravanh District: **D219/22**, Written Record of Interview of Witness Ork Chhoem, 2 October 2014, ERN 01050493-01050531. Others/unknown: **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047765-01047792; **D219/269**, Written Record of Interview of Witness Yun Saroeun, 10 April 2015, ERN 01098489-01098497; **D219/277**, Written Record of Interview of Witness Soem Chhean, 22 April 2015, ERN 01098508-01098519.

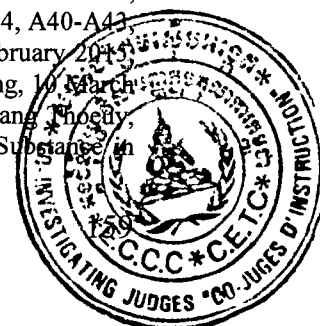
<sup>828</sup> See *Forced marriage in Sectors 1 and 4*, paras 949-991.

<sup>829</sup> **D118/238**, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040482, A113-A116; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031965, A126-A127, ERN 01031966, A128-A134; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057771, A69, ERN 01057772, A70-A71, A75; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589, A31, ERN 01044590, A39; **D117/68**, Written Record of Interview of Civil Party Applicant Va Limhun, 15 September 2014, ERN 01046945, A37-A38, ERN 01046946, A42; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047790, A162-A164; **D219/134**, Written Record of Interview of Witness Net Savoeun, 22 December 2014, ERN 01059982-01059983, A50-A55; **D5/1050/3**, Written Record of Interview of Witness Nap Somaly, 22 January 2015, ERN 01069371, A141; **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104769, A101; **D6.1.408**, Written Record of Interview of Witness Van Sorn, 19 November 2008, ERN 00244170; **D219/702.1.95**, Transcript of Hearing on the Substance in Case 002/02 [Prak Yut], 19 January 2016, ERN 01441064, lines 16-19; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361803-01361804; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037038; **D310/1.1.6**, Kasumi Nakagawa, *Gender-Based Violence During the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)*, 2008, ERN 00421892.

<sup>830</sup> **D118/194**, Written Record of Interview of Witness Ruos Narin, 28 February 2014, ERN 00986734-009867335, A54; **D118/276**, Written Record of Interview of Witness Uk Him, 14 July 2014, ERN 01031762, A22; **D5/1050/3**, Written Record of Interview of Witness Nap Somaly, 22 January 2015, ERN 01069371, A141; **D219/234.1.7**, Written Record of Interview of Witness Tae Ry, 18 February 2015, ERN 01079942, A97-A102, ERN 01079943, A103-A107; **D219/115.1**, Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, 2014, Cambodia Defenders Project, Cambodia, ERN 01045712; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037033, ERN 01037038; **D310/1.1.6**, Kasumi Nakagawa, *Gender-Based Violence During the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)*, 2008, ERN 00421892, ERN 00421919; **D310/1.1.4**, Bridgette Toy-Cronin, *'I Want to Tell You': Stories of Sexual Violence during Democratic Kampuchea (1975-1979)*, 2006, Cambodia Defenders Project, Cambodia, ERN 00449488.

<sup>831</sup> **D118/191**, Written Record of Interview of Witness Nget Chat, 26 February 2014, ERN 00986721, A92-A93; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361802, lines 8-13; **D347/2.1.38**, Transcript of Hearing on the Substance in Case 002/02 [Mom Vun], 16 September 2016, ERN 01385273-01385275; **D310/1.1.6**, Kasumi Nakagawa, *Gender-Based Violence During the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)*, 2008, ERN 00421893; **D310/1.1.4**, Bridgette Toy-Cronin, *'I Want to Tell You': Stories of Sexual Violence during Democratic Kampuchea (1975-1979)*, 2006, Cambodia Defenders Project, Cambodia, ERN 00449488-00449489; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037033, ERN 01037038.

<sup>832</sup> **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031966, A132-A134; **D219/18**, Written Record of Interview of Witness Phan Chhean, 29 September 2014, ERN 01047734, A40-A43, ERN 01047735, A44-A50; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079791-01079792, A80-A84; **D219/221**, Written Record of Interview of Witness █████ Sieng, 10 March 2015, ERN 01104769, A101; **D119/131**, Written Record of Interview of Civil Party Applicant Thang Thochy, 16 June 2014, ERN 01025299-01025300, A77-A82; **D347/2.1.37**, Transcript of Hearing on the Substance in



retaliation,<sup>833</sup> they lived under “*extreme fear*” and a “*silent pressure*” to accept the marriage and were monitored to ensure consummation.<sup>834</sup>

320. The CPK regulated marital and sexual relations between individuals by replacing the role of parents,<sup>835</sup> and establishing a methodology for spouse selection.<sup>836</sup> Specifically,

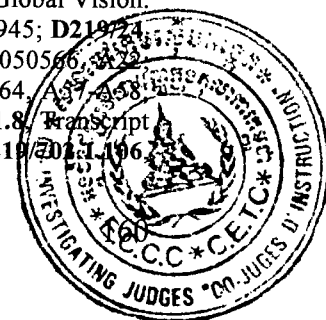
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Case 002/02 [Seng Souen], 29 August 2016, ERN 01369845; **D347/2.1.38**, Transcript of Hearing on the Substance in Case 002/02 [Mom Vun], 16 September 2016, ERN 01385273-01385275; **D219/888.1.1**, Transcript of Hearing on the Substance in Case 002/02 [Om Yoeurn], 22 August 2016, ERN 01361715-01361716; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037033, ERN 01037038; **D310/1.1.6**, Kasumi Nakagawa, *Gender-Based Violence During the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)*, 2008, ERN 00421892; **D310/1.1.4**, Bridgette Toy-Cronin, *I Want to Tell You: Stories of Sexual Violence during Democratic Kampuchea (1975-1979)*, 2006, Cambodia Defenders Project, Cambodia, ERN 00449488-00449490.

<sup>833</sup> **D118/234**, Written Record of Interview of Witness Tum Nga, 13 May 2014, ERN 01055608, A67; **D219/268**, Written Record of Interview of Witness Nam Phorn, 9 April 2015, ERN 01098487, A72; **D219/702.1.104**, Transcript of Hearing on the Substance in Case 002/02 [Chum Samoeurn], 24 June 2015, ERN 01478287, lines 10-25; **D219/494.1.11**, Transcript of Hearing on the Substance in Case 002/02 [Yi Laisov], 20 August 2015, ERN 01499107; **D5/1166/3.1**, Transcript of Hearing on the Substance in Case 002/02 [Sou Sotheavy], 23 August 2016, ERN 01369717-01369718; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361801-01361802; **D219/494.1.3**, Transcript of Hearing on the Substance in Case 002 [Khin Vat], 29 July 2015, ERN 01437856-01437857; **D310/1.1.6**, Kasumi Nakagawa, *Gender-Based Violence During the Khmer Rouge Regime: Stories of Survivors from the Democratic Kampuchea (1975-1979)*, 2008, ERN 00421918-00421920; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037033, ERN 01037038, ERN 01037052-01037053; **D219/115.1**, Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, 2014, Cambodian Defenders Project, Cambodia, ERN 01045677, ERN 01045711, ERN 01045713; **D219/882.1.21**, Kasumi Nakagawa, *Motherhood at War: Pregnancy During the Khmer Rouge Regime*, 2015, ERN 01322863; **D310/1.1.4**, Bridgette Toy-Cronin, *I Want to Tell You: Stories of Sexual Violence during Democratic Kampuchea (1975-1979)*, 2006, Cambodia Defenders Project, Cambodia, ERN 00449488.

<sup>834</sup> **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054034-01054036, A19, A21-A27; **D117/68**, Written Record of Interview of Civil Party Applicant Va Limhun, 15 September 2014, ERN 01046947, A48; **D219/217**, Written Record of Interview of Civil Party Applicant Chhen Ham, 11 March 2015, ERN 01088553-01088554, A185, A187; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589-01044590, A31, ERN 010445991, A41; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057767-01057768, A43-A45; **D219/47**, Written Record of Interview of Civil Party Applicant Khov Net, 20 October 2014, ERN 01050698-01050700, A27-A31, A35, A39-A40; **D219/159**, Written Record of Interview of Witness Ny Huon, 29 January 2015, ERN 01067868-01067869, A135-A137; **D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214825-01214826, A81-A82; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01148845, A56; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050570-01050571, A37; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361550; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362063; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361802; **D219/888.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 11 October 2016, ERN 01361319-01361320; **D219/888.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 12 October 2016, ERN 01361378, ERN 01361393.

<sup>835</sup> **D219/370.1.14**, To respected Angkar from M401, 16 July 1978, ERN 00289924; **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417942-00417945; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050565-01050566; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151164; **D6.1.518**, Written Record of Interview of Sao Sarun, 30 June 2009, ERN 00348373; **D219/444.1.8**, Transcript of Hearing on the Substance in Case 001 [Chum Neou], 24 August 2009, ERN 00370660; **D219/201.1.106**



marriages required the approval of *Angkar*<sup>837</sup> to ensure that those married were not connected to “*enemy strings or bad elements*”.<sup>838</sup> Couples were matched based on their biographies<sup>839</sup> and political status.<sup>840</sup> They received little to no advance notice of the wedding,<sup>841</sup> and sometimes did not know the person they were matched to prior to it.<sup>842</sup>

Transcript of Hearing on the Substance in Case 002/02 [Meas Layhuor], 26 May 2015, ERN 01478056-01478057; cf. **D6.1.384**, Written Record of Interview of Witness Tep Poch, 4 July 2009, ERN 00351705.

<sup>836</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417942-00417945.

<sup>837</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151156, A13, ERN 01151162, A49; **D219/234.1.7**, Written Record of Interview of Civil Party Applicant Tae Ry, 18 February 2015, ERN 01079945-01079946, A127-A128, ERN 01079947-01079949, A144-A149; **D219/762**, Written Record of Interview of Witness Saray Hean, 19 May 2016, ERN 01309808, A129-A130; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361772, ERN 01361784.

<sup>838</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943; **D219/888.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 12 October 2016, ERN 01361369.

<sup>839</sup> **D219/702.1.106**, Transcript of Hearing on the Substance in Case 002/02 [Meas Layhuor], 26 May 2015, ERN 01478056-01478059; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002 [Nop Ngim], 5 September 2016, ERN 01382713, lines 11-12; **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 December 2009, ERN 00410264, A8.

<sup>840</sup> **D310/1.1.1**, Global Vision: Revolution and non-revolution toward family building issue, 2 June 1975, ERN 00417943; **D347/2.1.35**, Transcript of Hearing on the Substance in Case 002/02 [Henri Locard], 1 August 2016, ERN 01351428, lines 11-12; **D219/702.1.139**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek alias Duch], 16 September 2009, ERN 00378697, lines 11-12; **D219/899.1.1**, Transcript of Hearing on the Substance in Case 002/02 [Khoem Boeun], 4 May 2015, ERN 01500016-01500017; **D219/702.1.106**, Transcript of Hearing on the Substance in Case 002/02 [Meas Layhuor], 26 May 2015, ERN 01478056-01478059; **D219/702.1.73**, Transcript of Hearing on the Substance in Case 002/02 [Sou Soeur], 4 June 2015, ERN 01424232-01424233; **D219/702.1.99**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 22 April 2015, ERN 01418925, lines 1-2; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057695, A112; **D6.1.407**, Written Record of Interview of Witness Au Hau, 18 November 2008, ERN 00250047; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151157, A19, ERN 01151158, A25; **D6.1.795**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 2 December 2009, ERN 00414334; **D219/370.1.18**, Written Record of Interview of Witness Tan Meng Hun (Tan Wardeny), 11 June 2009, ERN 00345537; **D6.1.844**, Written Record of Interview of Witness Seng Chon, 16 October 2009, ERN 00400458; **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 November 2009, ERN 00410264, A8; **D6.1.679**, Written Record of Interview of Witness Seng Soeur, 11 November 2009, ERN 00412185, A65; **D6.1.599**, Karl Jackson, *Cambodia 1975-1978: Rendez-vous with Death*, 1989, Princeton University Press, United Kingdom, ERN 00394011.

<sup>841</sup> **D219/24**, Written Record of Interview of Witness Preap Sokhoeun, 8 October 2014, ERN 01050569-01050570, A34; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98, A100; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053909-01053912, A44, A51; **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054031, A8; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057764, A26, A28; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067740, A92; **D219/136**, Written Record of Interview of Civil Party Applicant Than Yang, 22 December 2014, ERN 01072528-01072529, A24, A26; **D219/234.1.7**, Written Record of Interview of Civil Party Applicant Tae Ry, 18 February 2015, ERN 01079945-01079946, A127-A128; **D219/261**, Written Record of Interview of Witness Khoeun Sngoeun, 6 April 2015, ERN 01095844, A50; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A10; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111881, 01111882, A13-A14; **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A45-A47; **D219/323**, Written Record of Interview of Witness Mut Sophon, 15 May 2015, ERN 01113699, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01113699, A28; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01113699, A60.



The CPK arranged marriages for soldiers, often disabled.<sup>843</sup> People were not permitted to divorce the spouses *Angkar* had selected for them.<sup>844</sup> Many couples married under DK separated after 1979.<sup>845</sup>

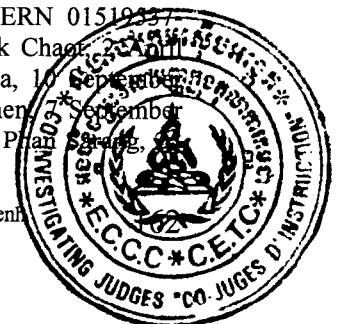
**D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214825, A71; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A42-A43; **D219/888.1.1**, Transcript of Hearing on the Substance in Case 002/02 [2-TCCP-274], 22 August 2016, ERN 01361713-01361714; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361549, lines 3-4; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362180, lines 15-20; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382726, lines 6-25. *See also* **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519538, A23.

<sup>842</sup> **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050569-01050570, A34; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98, A100; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053909-01053912, A44, A51; **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054031, A8; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057764, A26, A28; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067740, A92; **D219/136**, Written Record of Interview of Civil Party Applicant Than Yang, 22 December 2014, ERN 01072528-01072529, A24, A26; **D219/234.1.7**, Written Record of Interview of Civil Party Applicant Tae Ry, 18 February 2015, ERN 01079945-01079946, A127-A128; **D219/261**, Written Record of Interview of Witness Khoeun Sngoeun, 6 April 2015, ERN 01095844, A50; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A10; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111881-01111882, A13-A14; **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A45-A47; **D219/323**, Written Record of Interview of Witness Mut Sophon, 15 May 2015, ERN 01113699, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116334, A60; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01148845, A58; **D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214825, A71; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A42-A43; **D219/888.1.1**, Transcript of Hearing on the Substance in Case 002/02 [2-TCCP-274], 22 August 2016, ERN 01361713-01361714; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361549, lines 3-4; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362180, lines 15-20; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382726, lines 6-25. *See also* **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519538, A23.

<sup>843</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053909, A37, ERN 01053910, A39, A44; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002 [Nop Ngim], 5 September 2016, ERN 01382718, lines 21-24, ERN 01382723, lines 22-23; **D347/2.1.37**, Transcript of Hearing on the Substance in Case 002/02 [Seng Soeun], 29 August 2016, ERN 01369856; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139565-01139568, A119-A144; **D219/191**, Written Record of Interview of Witness Keo Vooun, 19 February 2015, ERN 01079860-01079861, A15; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151161, A45, ERN 01151166, A78; **D219/234.1.7**, Written Record of Interview of Civil Party Applicant Tae Ry, 18 February 2015, ERN 01079941, A93, ERN 01079942, A97; **D219/504**, Written Record of Interview of Witness Sat Pheap, 17 September 2015, ERN 01167914, A146-A148; **D267.1.1**, Written Record of Interview of Witness of Seng Ol, 2 December 2009, ERN 00413906, A20; **D6.1.475**, Written Record of Interview of Witness Affonco Denise, 3 June 2009, ERN 00346935; **D6.1.159**, Written Record of Interview of Witness Ouk Savuth, 9 June 2008, ERN 00242135. *Contra* **D6.1.384**, Written Record of Interview of Witness Tep Poch, 4 July 2009, ERN 00351705.

<sup>844</sup> **D219/702.1.106**, Transcript of Hearing on the Substance in Case 002/02 [Meas Layhuor], 26 May 2015, ERN 01478063; **D6.1.679**, Written Record of Interview of Witness Seng Soeun, 11 November 2009, ERN 00412186, A74.

<sup>845</sup> **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519538, A9, A22-A23, A32-A33; **D219/257**, Written Record of Interview of Witness Sek Chao, 14 September 2015, ERN 01095829, A4; **D219/831**, Written Record of Interview of Witness Venh Vanna, 14 September 2016, ERN 01391217, A91; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390074, A73; **D219/238**, Written Record of Interview of Civil Party Applicant P...



321. CPK weddings were deliberately austere, and group weddings were aimed at efficiency,<sup>846</sup> with most parents of those being married unaware of the wedding or not allowed to attend it.<sup>847</sup> Wedding ceremonies were devoid of the traditional Khmer practices that couples would have followed if they had a choice in the matter.<sup>848</sup> As a

March 2015, ERN 01092946, A50; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047113, A127-A128; **D219/207**, Written Record of Interview of Civil Party Applicant Long Choem, 25 February 2015, ERN 01088505-01088506, A8-A9; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067747, A152-A153; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111883-01111884, A24, A26; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390089-01390090, A75; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373679, A8; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589-01044590, A29; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057770-01057771, A62-A64, A69; **D219/171**, Written Record of Interview of Civil Party Applicant Nhim Kol, 11 February 2015, ERN 01076950, A35; **D219/293**, Written Record of Interview of Civil Party Applicant Cheam Pao, 4 May 2015, ERN 01111820, A31.

<sup>846</sup> **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151158, A21, ERN 01151161, A44; **D6.1.518**, Written Record of Interview of Witness Sao Sarun, 30 June 2009, ERN 00348374. See also: **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151156, A11, ERN 01151164, A57-A59; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139556, A54.

<sup>847</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067742-01067743, A118-A119, ERN 01067747, A156; **D219/261**, Written Record of Interview of Witness Khoeun Sngoeun, 6 April 2015, ERN 01095844-01095845, A58; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111882, A16, A20, ERN 01111884, A27; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111891, A25; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050636, A105; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390073, A70; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A69; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373679-01373680, A10, A16; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A26; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382729, lines 1-9. Cf. **D219/238**, Written Record of Interview of Civil Party Applicant Phan Sarang, 25 March 2015, ERN 01092941, A18; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A26. *Contra* **D219/207**, Written Record of Interview of Civil Party Applicant Long Choem, 25 February 2015, ERN 01088505, A7; **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044588, A25; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01148845, A59.

<sup>848</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139556, A54; **D6.1.385**, Written Record of Interview of Witness Sou Soeun, 5 July 2009, ERN 00360115-00360116; **D219/454**, Written Record of Interview of Witness Chum Neou, 13 August 2015, ERN 01151158, A21, ERN 01151161, A44, ERN 01151171, A111; **D219/99**, Written Record of Interview of Witness Khet Sokhan, 27 November 2014, ERN 01077083, A83; **D219/888.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 11 October 2016, ERN 01361259, ERN 01361266; **D219/702.1.96**, Transcript of Hearing on the Substance in Case 002 [Or Ho], 19 May 2015, ERN 01503183; **D219/702.1.106**, Transcript of Hearing on the Substance in Case 002/02 [Meas Layhuor], 26 May 2015, ERN 01478063-01478064, ERN 01478132; **D219/702.1.105**, Transcript of Hearing on the Substance in Case 002/02 [Kong Uth], 25 June 2015, ERN 01503898, lines 1-21; **D219/888.1.1**, Transcript of Hearing on the Substance in Case 002/02 [Om Yoeurn], 22 August 2016, ERN 01361717, lines 3-13; **D219/370.1.16**, Supplementary statement of Chum Neou, 7 February 2011, ERN 00891888; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391215, A80; **D117/68**, Written Record of Interview of Civil Party Applicant Va Limhun, 15 September 2014, ERN 01046941, A20, ERN 01046944, A34, ERN 01046946, A44; **D219/171**, Written Record of Interview of Civil Party Applicant Nhim Kol, 11 February 2015, ERN 01076950, A35. *Absence of family* **D219/494.1.3**, Transcript of Hearing on the Substance in Case 002 [Khin Vat], 29 July 2015, ERN 01467949, lines 8-10; **D219/702.1.105**, Transcript of Hearing on the Substance in Case 002/02 [Kong Uth], 25 June 2015, ERN 01503897, lines 22-25; **D219/702.1.96**, Transcript of Hearing on the Substance in Case 002



result, most people forced married suffered great and often long-lasting psychological harm and mental anguish,<sup>849</sup> to the point that some women committed suicide after their wedding ceremony.<sup>850</sup>

322. There were also instances where voluntary marriages were possible for some people,<sup>851</sup> however, on balance the evidence shows that from 1976, or by 1977 at the latest, the majority of marriages took place under coercive circumstances.<sup>852</sup>

May 2015, ERN 01503183, lines 9-14; **D219/888.1.1**, Transcript of Hearing on the Substance in Case 002/02 [Om Yoeum], 22 August 2016, ERN 01361716-01361717; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002 [Nop Ngim], 5 September 2016, ERN 01382729, lines 7-8; **D347/2.1.42**, Transcript of Hearing on the Substance in Case 002 [Nget Chat], 25 October 2016, ERN 01371140, lines 15-17; **D347/2.1.38**, Transcript of Hearing on the Substance in Case 002/02 [Mom Vun], 16 September 2016, ERN 01385298; **D219/171**, Written Record of Interview of Civil Party Applicant Nhim Kol, 11 February 2015, ERN 01076950, A35; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057774, A86; **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054032, A12; **D219/136**, Written Record of Interview of Civil Party Applicant Than Yang, 22 December 2014, ERN 01072530, A32; **D219/472**, Written Record of Interview of Civil Party Applicant Sum Chanthol, 24 August 2015, ERN 01178458, A103; **D219/846**, Written Record of Interview of Civil Party Applicant Sem Phoeun, 13 October 2016, ERN 01356216, A83; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050563, A13, ERN 01050565-01050566, A22; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361546-01361547, ERN 01361549, ERN 01361573; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362073-01362074; **D219/47**, Written Record of Interview of Witness Khauv Net, 20 October 2014, ERN 01050696-01050697, A17; **D219/293**, Written Record of Interview of Civil Party Applicant Cheam Pao, 4 May 2015, ERN 01111820, A33, ERN 01111822-01111823, A35, A38-A39; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01148845, A59-A60; **D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214826, A89. See also **D219/888.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 14 September 2016, ERN 01361878-01361879; **D219/882.1.21**, Kasumi Nakagawa, *Motherhood at War: Pregnancy During the Khmer Rouge Regime*, 2015, ERN 01322865; **D219/882.1.24**, Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, 2007, Monash University, Australia, ERN 00482489, ERN 00482492; **D301/2.1.21**, Theresa De Langis et al., *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, 2014, ERN 01037041.

<sup>849</sup> **D117/60**, Written Record of Interview of Civil Party Applicant Sum Pet, 4 August 2014, ERN 01044589, A31, ERN 01044591, A41; **D117/68**, Written Record of Interview of Civil Party Applicant Va Limhun, 15 September 2014, ERN 01046945-01046946, A36, A43-A45; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057763, A22, ERN 01057767, A42-A44, ERN 01057770, A59-A60, ERN 01057771, A66-A67, ERN 01057774, A86; **D219/136**, Written Record of Interview of Civil Party Applicant Than Yang, 22 December 2014, ERN 01072529, A26-A27, ERN 01072532-01072534, A45, A47, A55-A58; **D219/171**, Written Record of Interview of Civil Party Applicant Nhim Kol, 11 February 2015, ERN 01076950, A35; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050563, A13, ERN 01050565, A22, ERN 01050573-01050575, A44-A46, A48, A51-A53; **D219/323**, Written Record of Interview of Witness Mut Sophon, 15 May 2015, ERN 01113699, A28-A29; **D219/435**, Written Record of Interview of Witness Touch Chamroeun, 30 July 2015, ERN 01142993-01142994, A76-A77; **D219/47**, Written Record of Interview of Civil Party Applicant Khov Net, 20 October 2014, ERN 01050696-01050697, A17, A19-A20; **D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214825, A78; **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054032, A12, ERN 01054035, A25-A26, ERN 01054037, A39-A40; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361547, lines 18-21, ERN 01361561-01361573; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362064, ERN 01362073-01362074, ERN 01362089.

<sup>850</sup> **D219/582**, Written Record of Interview of Witness Toy Meach, 3 November 2015, ERN 01179837, ERN 01179840, A135; **D219/315**, Written Record of Interview of Witness Sat Pheap, 18 May 2016, ERN 01111979-01111980, A111-A113; **D219/289**, Written Record of Interview of Civil Party Applicant Peuh April, 25 April 2015, ERN 01111781, A7.





### 5.3 Factual findings on the role of Yim Tith

#### 5.3.1 Before April 1975 and after 6 January 1979

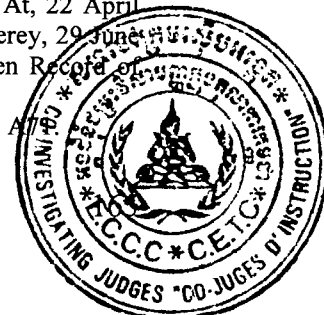
##### 5.3.1.1 Personal history

323. **Yim Tith**, also known as **Ta Tith**,<sup>853</sup> was born on 30 December 1936 in Trapeang Kol Village, Trapeang Thom Commune, Tram Kak District, Takeo Province, which was located in Sector 13 of the Southwest Zone during DK.<sup>854</sup>

<sup>851</sup> **D6.1.1061**, Written Record of Interview of Charged Person Kaing Guek Eav alias Duch, 29 April 2008, ERN 001854765; **D117/42**, Written Record of Interview of Civil Party Applicant Khoem Neary, 6 May 2014, ERN 01034078, A15-A16; **D117/57**, Written Record of Interview of Witness Kean Ley, 24 June 2014, ERN 01067913, A45; **D219/113**, Written Record of Interview of Civil Party Applicant Keo Theary, 8 December 2014, ERN 01057763, A21; **D219/293**, Written Record of Interview of Civil Party Applicant Cheam Pao, 4 May 2015, ERN 01111821-01111822, A34; **D219/370.1.6**, Transcript of Hearing on the Substance in Case 002 [Chuon Thi], 24 April 2013, ERN 00905360-00905361; **D219/888.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 14 September 2016, ERN 01361915, lines 4-20; **D219/888.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 10 October 2016, ERN 01362038-01362040; **D219/899.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Khoem Boeun], 5 May 2015, ERN 01494801-01494802.

<sup>852</sup> **D5/1166/3.1**, Transcript of Hearing on the Substance in Case 002/02 [Om Yoeurn], 23 August 2016, ERN 01369677-01369678; **D219/888.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Kasumi Nakagawa], 13 September 2016, ERN 01361796, lines 2-11, ERN 01361800, lines 6-14; **D219/888.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Peggy Levine], 10 October 2016, ERN 01362046, lines 6-14. *See also* **D347/2.1.37**, Transcript of Hearing on the Substance in Case 002/02 [Seng Soeun], 29 August 2016, ERN 01369899; **D219/138**, Written Record of Interview of Witness You Vann, 8 January 2015, ERN 01059293, A82; **D219/83**, Written Record of Interview of Witness Suon Yim, 24 November 2014, ERN 01054030, A5; **D219/472**, Written Record of Interview of Civil Party Applicant Sum Chanthol, 24 August 2015, ERN 01178457, A98; **D219/846**, Written Record of Interview of Civil Party Applicant Sem Phoeun, 13 October 2016, ERN 01356216, A83-A85; **D219/463**, Written Record of Interview of Witness Pen Thol, 10 August 2015, ERN 01151240, A23; **D117/45**, Written Record of Interview of Witness Thou Sokheng, 9 May 2014, ERN 01031703, A10; **D219/136**, Written Record of Interview of Civil Party Applicant Than Yang, 22 December 2014, ERN 01072528, A24-A25; **D219/171**, Written Record of Interview of Civil Party Applicant Nhim Kol, 11 February 2015, ERN 01076950, A35, ERN 01076951, A39, A41; **D219/59**, Written Record of Interview of Civil Party Applicant Mom Sroeurng, 11 November 2014, ERN 01053866-01053867, A1, ERN 01053870, A9; **D219/287**, Written Record of Interview of Witness Hai Taun, 23 April 2015, ERN 01100843, A28-A31; **D219/288**, Written Record of Interview of Witness Chheun Lai Sim, 24 April 2015, ERN 01111775-01111776, A33; **D219/24**, Written Record of Interview of Witness Preap Sokhoeurn, 8 October 2014, ERN 01050568-01050569, A32; **D219/888.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 20 October 2016, ERN 01361543, ERN 01361573-01361575; **D219/888.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Preap Sokhoeurn], 24 October 2016, ERN 01362103, lines 8-10; **D219/47**, Written Record of Interview of Witness Khau Net, 20 October 2014, ERN 01050701, A46; **D219/289**, Written Record of Interview of Civil Party Applicant Penh Va, 25 April 2015, ERN 01111781, A9-A10; **D219/606**, Written Record of Interview of Witness Chea Kheang Thai, 13 November 2015, ERN 01184897, A80; **D219/435**, Written Record of Interview of Witness Touch Chamroeun, 30 July 2015, ERN 01142987-01142988, A23-A30; **D219/582**, Written Record of Interview of Witness Toy Meach, 3 November 2015, ERN 01179837-01179838, A114-A116; **D219/315**, Written Record of Interview of Witness Sat Pheap, 18 May 2015, ERN 01111975, A47; **D219/504**, Written Record of Interview of Witness Sat Pheap, 17 September 2015, ERN 01167916, A159; **D219/687**, Written Record of Interview of Witness Mao Saroeun, 15 February 2016, ERN 01214825, A68; **D219/293**, Written Record of Interview of Civil Party Applicant Cheam Pao, 4 May 2015, ERN 01111820-01111821, A31, ERN 01111823, A45; **D219/286**, Written Record of Interview of Witness Men At, 22 April 2015, ERN 01100837, A21-A23; **D219/405**, Written Record of Interview of Witness Chhim Bunserey, 29 June 2015, ERN 01148837, A12, ERN 01148844, A51-A52, ERN 01148846, A63; **D219/609**, Written Record of Interview of Witness Samrith An, 17 November 2015, ERN 01185819, A40.

<sup>853</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982643, A1.



324. Sometime between the ages of 12 and 15, **Yim Tith** entered the monkhood at a pagoda in Trapeang Thom Commune, continuing his studies in Phnom Penh, first at a Pali language school and later at Wat Moha Montrei.<sup>855</sup>

### 5.3.1.2 *Political activity*

325. Around 1970, **Yim Tith** left the monkhood and joined the “*revolutionary movement*”.<sup>856</sup> Just prior to the beginning of DK, he married Ung Ken, the younger sister of Ta Mok<sup>857</sup> also known as Ung Choeun, or Chhit Choeun, who came from the same village as **Yim Tith**.<sup>858</sup>

<sup>854</sup> **D281**, Written Record of Initial Appearance of Yim Tith, 9 December 2015, ERN 01205487; **D6.1.689**, Written Record of Interview of Witness Nut Nouv, 1 December 2009, ERN 00422330, A119; **D118/93**, Written Record of Interview of Witness Prak Some, 1 September 2013 ERN 00967039, A23; **D118/24**, Written Record of Interview of Witness Keo Chandara, 22 February 2013, ERN 00970444, A9-A10; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A21; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975015, A66; **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3. *See Sector 13*, para. 160.

<sup>855</sup> **D219/938**, Written Record of Interview of Witness Toem Phan, 1 March 2017, ERN 01502707, A41-A42, ERN 01502710; **D118/171**, Written Record of Interview of Witness Khiev Nov, 23 January 2014, ERN 00980420, A118-122; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978774, A44; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A21; **D118/49**, Written Record of Interview of Witness Chev Nhan, 26 April 2013, ERN 00938199, A27; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982644, A72; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057684, A45-A46; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045530, A102; **D219/41**, Written Record of Interview of Witness Phann Chhen, 12 October 2014, ERN 01053649, A54-A55; **D118/152**, Written Record of Interview of Witness Pok Touch, 25 November 2013, ERN 00979103, A21, ERN 00979108, A54.

<sup>856</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978774, A44; **D219/247**, Written Record of Interview of Civil Party Applicant Ou Dav, 30 March 2015, ERN 01093018, A34; **D118/209**, Written Record of Interview of Witness Ul Hoeun, 19 March 2014, ERN 00983584-00983585, A150.

<sup>857</sup> **D281**, Written Record of Initial Appearance of Yim Tith, 9 December 2015, ERN 01205487; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480284 lines 2-7, ERN 01480294, lines 17-18; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050355, A170-171; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A22-23; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432965, A127; **D219/938**, Written Record of Interview of Witness Toem Phan, 1 March 2017, ERN 01502707, A44-A45; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170589, A62-63, ERN 01170592, A88, ERN 01170594, A107; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111830, A31, 01111831, A47; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978774, A44; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456265, A11; **D118/208**, Written Record of Interview of Witness Ul Hoeun, 4 March 2014, ERN 00981817, A59; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967028, A17; **D119/83**, Written Record of Interview of Witness Moeng Vet, 10 February 2014, ERN 00982070-00982071, A11.

<sup>858</sup> **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406733, lines 16-17; **D219/702.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Kev Chandara], 2 February 2015, ERN 01146879, lines 22-24; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947189, A10; **D219/938**, Written Record of Interview of Witness Toem Phan, 1 March 2017, ERN 01502700, ERN 01502706, A34-A35; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967028, A13; **D6.1.877**, Book by Meng-Try Ea entitled “*The Khmer Rouge Southwest Zone Security System*”, 2002, ERN 00105675, ERN





326. Shortly before the end of DK, **Yim Tith** and his family fled to Pailin along the border with Thailand.<sup>859</sup>

### 5.3.2 Role and authority of Yim Tith in the Southwest Zone

327. **Yim Tith** held several prominent positions during his tenure in the Southwest Zone. **Yim Tith** served on the Kirivong District Committee, first as Deputy Secretary and later as Secretary. **Yim Tith** also served on the Sector 13 Committee, including as Secretary. **Yim Tith**'s close familial ties to Ta Mok and the close working relationship they both shared in the Southwest Zone – and in the Northwest Zone (see below) – gave him major additional factual authority in the Southwest Zone that extended the authority he enjoyed by means of holding certain official positions.

#### 5.3.2.1 Kirivong District

##### *Appointment to the Kirivong District Committee*

328. It is unclear when **Yim Tith** was appointed to the Kirivong District Committee; witnesses place **Yim Tith** in the district as early as 1972,<sup>860</sup> 1973,<sup>861</sup> 1974,<sup>862</sup> or no later than September or October 1975.<sup>863</sup>

329. **Yim Tith** was appointed to the District Committee on the orders of Ta Mok.<sup>864</sup> At the time, the Committee included Ta Tom (real name Khieu or Khiev Tom), the District

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**D267.1.72**, I Only Want Justice, in DC-Cam magazing Searching For The Truth, August 2000, ERN 00204274; **D6.1.200**, Documenting the Crimes of Democratic Kampuchea by John D. Ciorciari with Youk Chhang, ERN 00291531; **D6.1.971**, The Study of CPK CC SC-102 page, May 2000, ERN 00444397.

<sup>859</sup> **D219/466**, Written Record of Interview of Witness Toem Phuon, 17 August 2015, ERN 01152292-01152293, A193-A200; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111837, A106; **D219/571**, Written Record of Interview of Witness Chhoeng Yi, 27 October 2015, ERN 01179792-01179793, A53-A54. See also **D219/262**, Written Record of Interview of Witness Soeun Rai, 7 April 2015, ERN 01095850, A17; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365562, A44; **D65.1.55**, Attachment 55: DC-CAM Document "Interview with Tim Phuon (Yim Tith's nephew)", 22 January 2011, ERN 00644124-00644132.

<sup>860</sup> **D219/297**, Written Record of Interview of Witness Sao Van, 7 May 2015, ERN 01111854, A32.

<sup>861</sup> **D219/746**, Written Record of Interview of Witness Ses Oeun, 5 April 2016, ERN 01479491, A28.

<sup>862</sup> **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116344, A13; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7.

<sup>863</sup> **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982715, A21-A22; **D13**, Written Record of Interview of Witness Tun Soun, 6 May 2011, ERN 00698809; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045473, A25; **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076892, A6; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045454, A26; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167992, A21.

<sup>864</sup> **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982714.

**D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170592, A88-A91.

**D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168031, A17.



Secretary, who was also in charge of security; Yeay Bau (alternative spelling Bo); Ta Soeun; Yeay Khoeun, who was in charge of the “*district women*”; Ta Nem (possible alternative spelling Neak or Nam), who was in charge of district military; and Ta Net, who was in charge of economy.<sup>865</sup>

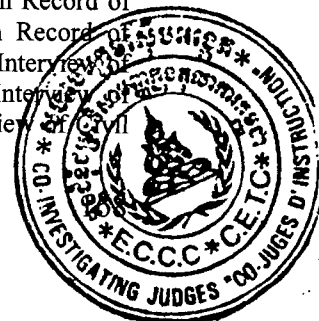
*Kirivong District Secretary and Deputy Secretary*

330. **Yim Tith** initially served as the Deputy District Secretary, with Ta Tom as the District Secretary.<sup>866</sup> Ta Tom was removed and arrested at some point between late 1976 and September 1977.<sup>867</sup>

**D118/165**, Written Record of Interview of Civil Party Applicant Lach Sambath, 5 December 2013, ERN 00980254, A8, ERN 00980255, A12; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132634, A4; **D6.1.689**, Written Record of Interview of Witness Nut Nouv, 1 December 2009, ERN 00422330, A122; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967010, A11-A12, ERN 00967011, A24. Cf. **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167994, A37; **D118/47**, Written Record of Interview of Witness Khan Kim, 24 April 2013, ERN 00934546, A8-A10.

<sup>865</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7; **D219/160**, Written Record of Interview of Witness Dok Chann, 29 January 2015, ERN 01067764, A7; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982717, A32-A33, ERN 00982718, A36; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045454, A27-A28; **D118/33**, Written Record of Interview of Witness Am Kun, 10 April 2013, ERN 00911432, A5-A6; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967010, A11; **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, *confirming* **D1.3.11.56**, OCP Interview of Tun Soun, ERN 00219282; **D13**, Written Record of Interview of Witness Tun Soun, 6 May 2011, ERN 00698809; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976605, A6-A7; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970427, A42-43; **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116344, A10-A11, A13, A16, ERN 01116350, A78; **D118/302**, Written Record of Interview of Pann Sarou, 2 September 2014, ERN 01045473, A25; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045520, A22, ERN 01045521, A29, A32, ERN 01045522, A36; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079814, A5, ERN 01079815, A7; **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076892, A6; **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154806, A11-A12, A14; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167991, A16; **D219/523**, Written Record of Interview of Witness Vann Yann, 16 September 2015, ERN 01166194, A20; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057795, A11, ERN 01057796, A13; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803442, A21; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128255, A3; **D118/48**, Written Record of Interview of Witness Heng PreI, 25 April 2013, ERN 00938189, A4, ERN 00938191, A30. Cf. **D219/628**, Written Record of Interview of Witness Kann Phan, 16 December 2015, ERN 01207381, A11, ERN 01207383, A31.

<sup>866</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170583-01170584, A3; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045454, A27-A28; **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154806, A11. See also **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116344, A13, ERN 01116345, A27, ERN 01116350, A87; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128256, A17-A19, ERN 01128257, A32, A37; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982713, A8; **D219/297**, Written Record of Interview of Witness Sao Van, 7 May 2015, ERN 01111855, A36; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057796, A13; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976607, A16; **D118/112**, Written Record of Interview



331. **Yim Tith** became the Kirivong District Secretary after Ta Tom's removal, although the evidence is unclear about whether he was immediately promoted to that role or whether Ta Sieng first held the role for some time during which **Yim Tith** continued to serve as Deputy Secretary.<sup>868</sup>

*Yim Tith's de facto authority in Kirivong District*

332. Irrespective of his precise official position on the Kirivong Committee, several witnesses make clear that **Yim Tith** was in fact the leader of the district even throughout the period when both **Yim Tith** and Ta Tom still sat together on the District Committee. Witnesses recall that **Yim Tith** was Ta Tom's "*superior*",<sup>869</sup> and was actually assigned by Ta Mok to "*monitor*" and "*investigate*" Ta Tom.<sup>870</sup> According to

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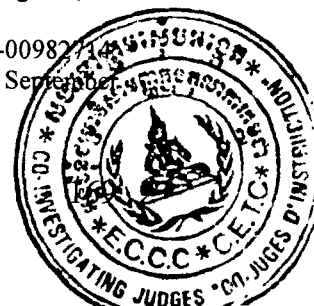
Party Applicant Ven Nat, 16 October 2013, ERN 00970427, A43; **D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168031, A17-A18, ERN 01168032, A21.

<sup>867</sup> **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045473, A26; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967018, A11, A13; **D13**, Written Record of Interview of Witness Tun Soun, 6 May 2011, ERN 00698810; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947191, A35; **D219/523**, Written Record of Interview of Witness Vann Yann, 16 September 2015, ERN 01166194, A22. Date of Ta Tom's removal: **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154805, A9-A10; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170593, A102; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053828-01053829, A1, ERN 01053832, A15-A17, ERN 01053833, A19. *Cf.* **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982713, A6, ERN 00982714, A9, ERN 00982716-00982717, A26-A30, ERN 00982718, A37.

<sup>868</sup> Yim Tith serving as District Secretary: **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7; **D118/45**, Written Record of Interview of Witness Hem Chhuon, 23 April 2013, ERN 00923039, A7; **D118/208**, Written Record of Interview of Witness UI Hoeun, 4 March 2014, ERN 00981818, A70; **D118/151**, Written Record of Interview of Witness Khiev Neou, 23 November 2013, ERN 00979095, A17; **D6.1.688**, Written Record of Interview of Witness Bun Thien, 17 August 2009, ERN 00384404; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031980, A58, ERN 01031981, A66; **D219/899.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Moeng Vet], 26 July 2016, ERN 01346502-01346503. *See also*, **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056884-01056885, A16-A18. Ta Sieng replacing Ta Tom: **D118/46**, Written Record of Interview of Witness Puoch Seng, 24 April 2013, ERN 00916966, A9; **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154805, A9-A10, ERN 01154815, A71; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967018, A12. *See also* **D119/82**, Written Record of Interview of Witness Neang Ouch, 19 March 2014, ERN 00981143, A34-A35. Yim Tith replacing Ta Tom: **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079818-01079819, A22, A25-A27; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000667-01000668, A18, ERN 01000671, A37, ERN 01000696, A243; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045473, A26-A27; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982716-00982717, A26-A27.

<sup>869</sup> **D118/44**, Written Record of Interview of Witness Nget Ngay, 23 April 2013, ERN 00920579, A5; **D219/899.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Moeng Vet], 26 July 2016, ERN 01346503, lines 6-14. *See also* **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045520, A20, ERN 01045521, A29; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982716, A24.

<sup>870</sup> **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982713-00982714, A8-A9, ERN 00982716, A23-A25; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170586, A32, A34, ERN 01170590, A70, ERN 01170592, A91.



**Yim Tith's** nephew, Tim Phuon, Kirivong District was factually under **Yim Tith's** "control", and he had a "top role" in the district.<sup>871</sup>

333. Pech Chim, a former Secretary of Tram Kak District, states that he attended "many" meetings at the Sector 13 Office with **Yim Tith** while the latter served as Kirivong District Secretary.<sup>872</sup> Pech Chim's evidence on **Yim Tith's** attendance at sector level meetings in Takeo is corroborated by other witnesses.<sup>873</sup> For example, Tim Phy, a former Kirivong District Mobile Chairman recalls seeing **Yim Tith** and other district level cadres attend meetings chaired by Ta Mok and Ta Soam/Saom in Sector 13.<sup>874</sup>
334. **Yim Tith** travelled throughout Kirivong District to inspect worksites, receive reports, and preside over meetings regarding production targets and warning that those who failed to meet the targets would be considered enemies and could "[disappear] at any time". Furthermore, **Yim Tith** frequently ordered assembled audiences to maintain constant vigilance against "Angkar's enem[ies]", and to report to the upper echelons when enemies were identified.<sup>875</sup>

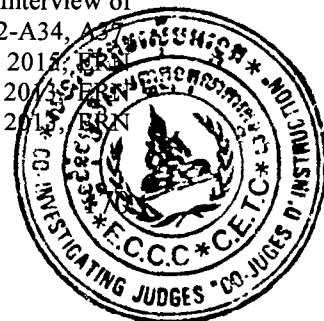
<sup>871</sup> **D118/20**, Written Record of Interview of Witness Toem Phuon, 14 February 2013, ERN 00911425, A3-A6, A10; **D219/466**, Written Record of Interview of Witness Toem Phuon, 17 August 2015, ERN 01152298, A245-A247, cf. ERN 01152300, A261, A263; ERN 01152302, A277-A278; **D65.1.55**, Attachment 55: DC-CAM Document "Interview with Tim Phuon (Yim Tith's nephew)", 22 January 2011, ERN 00644112. Cf. **D11**, Written Record of Interview of Witness Tim Phuon, 6 May 2011, ERN 00698806.

<sup>872</sup> **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947191, A31-A33; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379169-00379170; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000670, A36.

<sup>873</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057796, A14; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167996, A55-A59, ERN 01167999, A81-A82.

<sup>874</sup> **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167996, A55-A59, ERN 01167999, A81-A82. Alternative transliteration: Soam.

<sup>875</sup> **D118/45**, Written Record of Interview of Witness Hem Chhuon, 23 April 2013, ERN 00923040, A14-A15, A18-19, ERN 00923041, A22-A23; **D118/33**, Written Record of Interview of Witness Am Kun, 10 April 2013, ERN 00911432-00911435, A8-A9, A11, A14, A28-A30, A37-A38; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045474-01045475, A34-A41; **D219/111**, Written Record of Interview of Witness Mao Chhorn, 8 December 2014, ERN 01076910, A60, A62-A67; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167994-01167995, A38-A42, A46-A48; **D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168031, A19-A21, ERN 01168034, A39; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057693, A103; **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139571-01139573, A174-A182, A184-186; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967012-00967013, A26-A29, A32; **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451525-01451526, A20-A28; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967020, A27-A28; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053833-01053834, A20; **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056884, A16-A17; **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154805-01154813, A8-A11, A16-A22, A28-A30, A32-A34, A36-A42, A44, A49, A56-A60; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2014, ERN 01128257, A32-A37; **D118/44**, Written Record of Interview of Witness Nget Ngay, 23 April 2013, ERN 00920580, A13; **D118/20**, Written Record of Interview of Witness Toem Phuon, 14 February 2013, ERN 00911425, A3-A6, A10.



335. **Yim Tith** also visited the district level Wat Pratheat Security Centre on multiple occasions.<sup>876</sup>
336. Several witnesses state that **Yim Tith** was responsible for “*propaganda*” and “*reinforcing the political section*”,<sup>877</sup> or economics and logistics.<sup>878</sup>

*Location of Yim Tith’s House and Office in Kirivong District*

337. Evidence about the number and location of district offices is unclear. According to some witnesses there were separate district level offices. **Yim Tith**’s house in Trapeang Run Village, Ream Andaeuk Commune was said to operate as an office and meeting hall,<sup>879</sup> while eight to 10 kilometres away were Ta Tom’s office and living quarters situated within Wat Soben, which was in either Kouk Prech or Ream Andaeuk Commune.<sup>880</sup>

00911428, A37; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045454, A26, *cf.* ERN 01045457, A46.

<sup>876</sup> See *Wat Pratheat Security Centre*, paras 463-469.

<sup>877</sup> **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128256, A5-A8, A23; **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116348, A55, ERN 01116351, A94-A95. See also **D118/33**, Written Record of Interview of Witness Am Kun, 10 April 2013, ERN 00911435, A31.

<sup>878</sup> **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076908, A49, ERN 01076911-01076913, A68, A84-A85; **D219/297**, Written Record of Interview of Witness Sao Van, 29 June 2015, ERN 01111854, A32. See also **D118/45**, Written Record of Interview of Witness Hem Chhuon, 23 April 2013, ERN 00923040-00923041, A19; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967012-00967013, A32; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967020, A27-A28; **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375337, A15-A17, ERN 01375342, A66-A70, ERN 01375344, A82, A84, ERN 01375351, A154, ERN 01375352, A158.

<sup>879</sup> **D119/84**, Written Record of Interview of Witness Moeng Vet, 11 February 2014, ERN 00982708, A41; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982712-00982713, A3, ERN 00982713, A7, ERN 00982717-00982718, A34 referring to **D119/85.2**, Geographical and Road Network of Takeo Province 2007-2010, 20 February 2014, ERN KH 00975775; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170584, A6, ERN 01170585-01170586, A26-A27; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045474, A34-A35; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167992, A23.

<sup>880</sup> **D119/84**, Written Record of Interview of Witness Moeng Vet, 11 February 2014, ERN 00982708, A41; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982712-00982713, A3, ERN 00982713, A7, ERN 00982717-00982718, A34 referring to **D119/85.2**, Geographical and Road Network of Takeo Province 2007-2010, 20 February 2014, ERN KH 00975775; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170584, A6, ERN 01170585-01170586, A26-A27, ERN 01170598, A144; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970427, A40-A41. See also **D219/628**, Written Record of Interview of Witness Kann Phan, 16 December 2015, ERN 01207382, A19-A20; **D219/358**, Written Record of Interview of Witness Luon Mol, 8 June 2015, ERN 01116344, A8; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128257, A39-A40. *Cf.* **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154820, A105; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976607, A22, ERN 00976608, A27; **D219/346**, Written Record of Interview of Civil Party Applicant Soun, 29 May 2015, ERN 01116116, A88; **D219/466**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154820, A105.



338. Other witnesses, however, state that **Yim Tith** and Ta Tom operated a joint office in Tunloab (present-day Kirivong District Town).<sup>881</sup> Tim Phoun states that he lived with his uncle **Yim Tith** in a house near Tunloab Market.<sup>882</sup>
339. Several other witnesses and one civil party applicant, however, recall that Yeay Bau and Ta Tom operated a district office west of Wat Chambak in Ou Ansar Village, Kouk Prech Commune,<sup>883</sup> and according to witness Top Phan, **Yim Tith** worked at this office and had a house located approximately “200 to 300 metres” away.<sup>884</sup>
340. Yet another group of witnesses state that there was a district office near Wat Buor in Buor Village, Prey Romdeng Commune.<sup>885</sup>
341. According to witness Nget Ngay, **Yim Tith** often visited and stayed in a house located in Svay Sa Village, Ream Andaeuk Commune, Kirivong District.<sup>886</sup>

#### *Departure from Kirivong District*

342. **Yim Tith** left Kirivong District in either 1976 or 1977,<sup>887</sup> when he was transferred to work in Takeo Provincial Town, again on Ta Mok’s orders.<sup>888</sup> Nonetheless, the

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August 2015, ERN 01152273, A40-41; **D118/20**, Written Record of Interview of Witness Toem Phoun, 14 February 2013, ERN 00911426, A17-A18.

<sup>881</sup> **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076909, A52, ERN 01076910, A60; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045474, A35; **D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168032, A21; **D118/301**, Written Record of Interview of Witness Khoem Sorn, 1 September 2014, ERN 01045462, A82. *See also* **D219/746**, Written Record of Interview of Witness Ses Oeun, 5 April 2016, ERN 01479489, A14.

<sup>882</sup> **D219/466**, Written Record of Interview of Witness Toem Phoun, 17 August 2015, ERN 01152270-01152271, A13, A19-A22, ERN 01152298, A242-A243; **D118/20**, Written Record of Interview of Witness Toem Phoun, 14 February 2013, ERN 00911424, A3-A4, ERN 00911425, A6; **D11**, Written Record of Interview of Witness Tim Phoun, 6 May 2011, ERN 00698806.

<sup>883</sup> **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079814, A5; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045519, A18, ERN 01045520, A20, ERN 01045524, A56-57; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053688, A61; **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076908, A46.

<sup>884</sup> **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045524, A56-57.

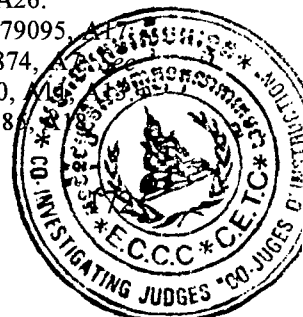
<sup>885</sup> **D118/48**, Written Record of Interview of Witness Heng Prel, 25 April 2013, ERN 00938193, A47; **D219/628**, Written Record of Interview of Witness Kann Phan, 16 December 2015, ERN 01207381, A17-18; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079814, A5.

<sup>886</sup> **D118/44**, Written Record of Interview of Witness Nget Ngay, 23 April 2013, ERN 00920579, A12-A13.

<sup>887</sup> **D118/33**, Written Record of Interview of Witness Am Kun, 10 April 2013, ERN 00911432, A6-A7; **D219/521**, Written Record of Interview of Witness Toeb Phy, 14 September 2015, ERN 01167992, A21; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128257, A25-A26.

<sup>888</sup> **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979095.

**D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, *also* **D118/45**, Written Record of Interview of Witness Hem Chhuon, 23 April 2013, ERN 00923040, *Cf.* **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 0105688



evidence supports the conclusion that **Yim Tith** continued to exercise authority over Kirivong District until the end of DK.<sup>889</sup>

### 5.3.2.2 Sector 13

#### *Appointment to the Sector 13 Committee*

343. Several witnesses provide evidence that **Yim Tith** was on the Sector 13 Committee as early as 1976.<sup>890</sup>

344. Membership of the Sector 13 Committee changed frequently throughout DK.<sup>891</sup> At the beginning of April 1975, the Sector 13 Secretary was Ta Saom (alias Than).<sup>892</sup> The majority of witnesses state that Ta Saom's immediate successor was Ta Prak.<sup>893</sup> A

<sup>889</sup> **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079818-01079819, A25-A27; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045473, A26; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A17. *See also* **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050428-01050429, A775-A781. *Cf.* **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000682, A128-A129; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045530, A99-A101; **D219/55**, Written Record of Interview of Witness Yan Hao, 27 October 2014, ERN 01053839, A42.

<sup>890</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7; **D219/636**, Written Record of Interview of Witness Khoem Vai, 24 December 2015, ERN 01207672, A38, A41-42; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031981, A66. *Cf.* **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170586, A31; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087488, A25; **D219/951**, Written Record of Interview of Witness Lor Thon, 22 March 2017, ERN 01496605, A112, ERN 01496606, A115, A119.

<sup>891</sup> **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087491, A63; **D118/208**, Written Record of Interview of Witness UI Hoeun, 4 March 2014, ERN 00981815, A39; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111842, A146. *See also* **D219/702.1.99**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 22 April 2015, ERN 01418856-01418857.

<sup>892</sup> **D219/922**, Written Record of Interview of Witness Chhoeun Nham, 15 February 2017, ERN 01451440, A32; **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451526, A36; **D219/297**, Written Record of Interview of Witness Sao Van, 7 May 2015, ERN 01111852, A8, A10; **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379303; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379168, ERN 00379169, ERN 00379170; **D118/62**, Written Record of Interview of Witness Pol Nhan, 23 May 2013, ERN 00945844-00945845, A2-A3; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967010, A7, A13-14; **D118/205**, Written Record of Interview of Witness Mut Mao, 12 March 2014, ERN 00983626, A1; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967018, A11; **D219/636**, Written Record of Interview of Witness Khoem Vai, 24 December 2015, ERN 01207666, A11 ERN 01207671, A38; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031974, A21; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087487, A7-A8.

<sup>893</sup> **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031974, A21; **D6.1.688**, Written Record of Interview of Witness Bun Thien, 17 August 2009, ERN 00384402, ERN 00384406; **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379304; **D219/922**, Written Record of Interview of Witness Chhoeun Nham, 15 February 2017, ERN 01451440, A32-A34; **D6.1.782**, Written Record of Interview of Witness Eap Duch, 30 October 2007, ERN 00223427; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087486-01087488; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 16 March 2015, ERN 01418856-01418857, lines 19-25; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta Saom], 16 March 2015, ERN 01418856-01418857, lines 19-25.



contemporaneous DK telegram from District 105 Secretary An to Sector 13 contains an annotation from Prak which is dated 7 August 1977.<sup>894</sup> This telegram suggests that Prak was Sector 13 Secretary then, that Ta Saom's tenure ended before that date, and that **Yim Tith** was not Sector 13 Secretary at that time.

345. Other alleged successors to the position named by witnesses include Ta Phen,<sup>895</sup> Ta Ran (alternative spelling Rorn),<sup>896</sup> Ta Kit,<sup>897</sup> Ta Choehn,<sup>898</sup> Ta Mok,<sup>899</sup> and **Yim Tith**.<sup>900</sup>

### *Sector 13 Secretary*

346. Based on the evidence of several insider witnesses, it can be concluded that **Yim Tith** served as Sector 13 Secretary at some point during DK, although the conflicting accounts of the timeframe make it impossible to determine the exact dates or duration of his tenure:

- i. Ul Hoeun, who worked at the Commerce office of Tram Kak District between 1975 and 1976, states that **Yim Tith** served as Sector 13 Secretary in 1975 or 1976 for "*one month*" or possibly "*one year*".<sup>901</sup>

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March 2015, ERN 01480294, lines 5-11; **D315.1.16**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 12 March 2015, ERN 01489940 lines 21-25. *See also* **D219/466**, Written Record of Interview of Witness Toem Phuon, 5 October 2015, ERN 01152284, A128-A132, ERN 01152285, A136, ERN 01152288, A161.

<sup>894</sup> **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276593; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381025, ERN 00381026; **D219/702.1.99**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 22 April 2015, ERN 01418897-01418900.

<sup>895</sup> **D118/208**, Written Record of Interview of Witness Ul Hoeun, 4 March 2014, ERN 00981815-00981816, A40; **D219/34**, Written Record of Interview of Witness Ul Hoeun, 13 October 2014, ERN 01053571, A9.

<sup>896</sup> **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087486-01087487, A1, A6; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 16 March 2015, ERN 01491796, lines 19-25, ERN 01491797, lines 1-5; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480294, lines 5-14, lines 20-25, ERN 01480295, lines 1-3.

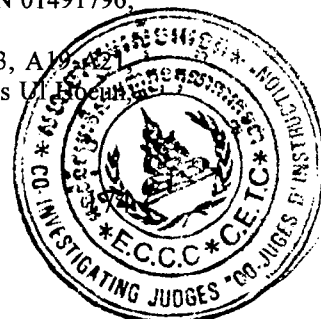
<sup>897</sup> **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978769, A7-A8; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947188, A8; **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087486-01087487, A1, A6; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 16 March 2015, ERN 01491796, lines 19-25, ERN 01491797, lines 1-5.

<sup>898</sup> **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947188, A7.

<sup>899</sup> **D6.1.840**, Written Record of Interview of Witness Pol Nhan, 31 August 2009, ERN 00377399.

<sup>900</sup> **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087486-01087487, A1; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 16 March 2015, ERN 01491796, lines 19-25, ERN 01491797, lines 1-5.

<sup>901</sup> **D118/208**, Written Record of Interview of Witness Ul Hoeun, 4 March 2014, ERN 00981813, A1; ERN 00981818-00981820, A60-A63, A73, A87; **D219/34**, Written Record of Interview of Witness Ul Hoeun, 13 October 2014, ERN 01053570-01053571, A5, 01053573-01053574, A21-A22.





- ii. According to Nut Nov, a former commune level cadre in the Southwest Zone, **Yim Tith** became Sector 13 Secretary in “late 1977 or early 1978” or possibly April or May 1978, serving for “one or two months”.<sup>902</sup>
- iii. Moeng Vet, Chairman of the Messenger Unit of Regiment 13 in Kirivong District, states that in January 1977, Ta Saom was removed as Sector 13 Secretary. In March 1977, the witness was transferred to Kratie, returning to Kirivong in September or October 1977. Upon his return, the witness heard that **Yim Tith** had been installed as Sector 13 Secretary but did not know precisely when this occurred. Ta Tom was no longer invited to attend district meetings. The witness was unclear as the exact nature of **Yim Tith**’s activity as district secretary.<sup>903</sup>
- iv. Sann Lorn, a former cadre and relative of **Yim Tith** and Ta Mok, states that **Yim Tith** was Sector 13 Secretary before he was transferred to the Northwest Zone.<sup>904</sup>
- v. In late 1978 Pech Chim heard on the radio that **Yim Tith** was acting Sector 13 Secretary and was greeting guests at the Sector’s office, located in Ta Mok’s house in Takeo. According to Pech Chim, only sector secretaries and their deputies had the authority to greet guests visiting the sector.<sup>905</sup>

<sup>902</sup> **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087486, A1, ERN 01087487-01087489, A14, A18, A21, A24-A27, A29-A30, A40, A44, A56, ERN 01087493, A81; **D6.1.689**, Written Record of Interview of Witness Nut Nov, 1 December 2009, ERN 00422317, A4, ERN 00422319, A20, ERN 00422320, A32, ERN 00422322, A45, A112-A113, ERN 00422330, A119; **D118/34**, Written Record of Interview of Witness Nut Nov, 11 April 2013, ERN 00911439, A1, ERN 00911440, A5-A10; **D315.1.16**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 12 March 2015, ERN 01489916, lines 18-25, ERN 01489925, lines 13-21, ERN 01489948 lines 3-6.

<sup>903</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170583, A2, ERN 01170587, A37-A38, A43, ERN 01170591-01170592, A81, A85, A90, ERN 01170592-01170593, A92-A96, A98-A101, A103-A104, ERN 01170594, A106, ERN 01170595, A116, ERN A120, ERN 01170599, A155; **D119/84**, Written Record of Interview of Witness Moeng Vet, 11 February 2014, ERN 00982701, A6, ERN 00982704, A22, ERN 00982707-00982708, A34-A36; **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982713, A4-A5, ERN 00982714, A10-A11, ERN 00982715-00982716, A23-A25, ERN 00982717, A32, ERN 00982719, A41; **D219/899.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Moeng Vet], 26 July 2016, ERN 01346489, lines 4-10, ERN 01346494, lines 2-6, lines 19-25, ERN 01346497, lines 17-25, ERN 01346502, lines 22-25, ERN 01346503, lines 1-14.

<sup>904</sup> **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050342, A52, ERN 01050353, A155, ERN 01050355, A167-A171, ERN 01050356, A178-A183, ERN 01050420, A711, ERN 01050437, A828, ERN 01050426, A755, A759, ERN 01050428, A774, ERN 01050437, A829, ERN 01050438, A880-A884, ERN 01050457, A981-A982, A984-A985.

<sup>905</sup> **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A18, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A115, A116, A117, A118, A119, A120, A121, A122, A123, A124, A125, A126, A127, A128, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140, A141, A142, A143, A144, A145, A146, A147, A148, A149, A150, A151, A152, A153, A154, A155, A156, A157, A158, A159, A160, A161, A162, A163, A164, A165, A166, A167, A168, A169, A170, A171, A172, A173, A174, A175, A176, A177, A178, A179, A180, A181, A182, A183, A184, A185, A186, A187, A188, A189, A190, A191, A192, A193, A194, A195, A196, A197, A198, A199, A200, A201, A202, A203, A204, A205, A206, A207, A208, A209, A210, A211, A212, A213, A214, A215, A216, A217, A218, A219, A220, A221, A222, A223, A224, A225, A226, A227, A228, A229, A230, A231, A232, A233, A234, A235, A236, A237, A238, A239, A240, A241, A242, A243, A244, A245, A246, A247, A248, A249, A250, A251, A252, A253, A254, A255, A256, A257, A258, A259, A260, A261, A262, A263, A264, A265, A266, A267, A268, A269, A270, A271, A272, A273, A274, A275, A276, A277, A278, A279, A280, A281, A282, A283, A284, A285, A286, A287, A288, A289, A290, A291, A292, A293, A294, A295, A296, A297, A298, A299, A300, A301, A302, A303, A304, A305, A306, A307, A308, A309, A310, A311, A312, A313, A314, A315, A316, A317, A318, A319, A320, A321, A322, A323, A324, A325, A326, A327, A328, A329, A330, A331, A332, A333, A334, A335, A336, A337, A338, A339, A340, A341, A342, A343, A344, A345, A346, 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A513, A514, A515, A516, A517, A518, A519, A520, A521, A522, A523, A524, A525, A526, A527, A528, A529, A530, A531, A532, A533, A534, A535, A536, A537, A538, A539, A540, A541, A542, A543, A544, A545, A546, A547, A548, A549, A550, A551, A552, A553, A554, A555, A556, A557, A558, A559, A560, A561, A562, A563, A564, A565, A566, A567, A568, A569, A570, A571, A572, A573, A574, A575, A576, A577, A578, A579, A580, A581, A582, A583, A584, A585, A586, A587, A588, A589, A590, A591, A592, A593, A594, A595, A596, A597, A598, A599, A600, A601, A602, A603, A604, A605, A606, A607, A608, A609, A610, A611, A612, A613, A614, A615, A616, A617, A618, A619, A620, A621, A622, A623, A624, A625, A626, A627, A628, A629, A630, A631, A632, A633, A634, A635, A636, A637, A638, A639, A640, A641, A642, A643, A644, A645, A646, A647, A648, A649, A650, A651, A652, A653, A654, A655, A656, A657, A658, A659, A660, A661, A662, A663, A664, A665, A666, A667, A668, A669, A670, A671, A672, A673, A674, A675, A676, A677, A678, 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vi. Two other witnesses also state that they heard that **Yim Tith** was Sector 13 Secretary without providing a clear timeframe.<sup>906</sup>

347. According to witnesses Nut Nov and Ul Hoeun, Ta Kit replaced **Yim Tith** as Sector 13 Secretary, but their evidence conflicts on whether this occurred in 1977 or 1978.<sup>907</sup>

*Yim Tith's de facto authority in Sector 13 and the wider Southwest Zone*

348. Irrespective of his precise official position on the Sector 13 Committee, several witnesses state that **Yim Tith's** close ties to Ta Mok gave him major factual authority throughout the Sector that extended well beyond his authority based on his formal role.

349. According to Riel Son, a district level cadre, **Yim Tith's** relationship with Ta Mok was "*like father and son*".<sup>908</sup> Other witnesses also state that they worked and attended meetings together and travelled together throughout the Southwest Zone inspecting worksites.<sup>909</sup> Furthermore, Ta Mok's base of operations in the Southwest Zone was located in Takeo provincial town,<sup>910</sup> and their respective offices were located close to

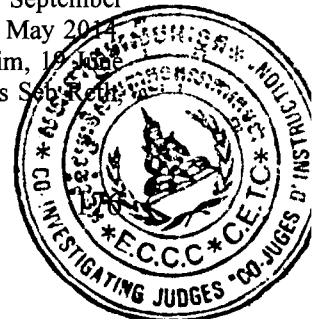
<sup>906</sup> **D219/523**, Written Record of Interview of Witness Vann Yann, 16 September 2015, ERN 01166194, A20-A24; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967028, A16-17, ERN 00967029, A20.

<sup>907</sup> **D219/228**, Written Record of Interview of Witness Nut Nov, 17 March 2015, ERN 01087487, A1; **D118/208**, Written Record of Interview of Witness Ul Hoeun, 4 March 2014, ERN 00981816, A44-A45, ERN 00981819.

<sup>908</sup> **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982636, A8-A12, ERN 00982645, A88.

<sup>909</sup> **D219/278**, Written Record of Interview of Witness Seb Reth, 23 April 2015, ERN 01098524, A36-A42; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044676, A16-A17; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050448-01050449, A909-A915, ERN 01050452, A943-A944; **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076912-01076913, A84-A85; **D118/152**, Written Record of Interview of Witness Pok Touch, 25 November 2013, ERN 00979111, A84; **D118/21**, Written Record of Interview of Witness Tim Phy, 19 February 2013, ERN 00967011-00967012, A20, A26-A27; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031981-01031982, A65-A68. *See also* **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979095, A17.

<sup>910</sup> **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979094, A9; **D118/172**, Written Record of Interview of Neang Ouch, 29 January 2014, ERN 00980871, A33; **D118/85**, Written Record of Interview of Witness Chea Choeun, 9 August 2013, ERN 00976943, A10-A11, ERN 00976944, A15; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432948, A13-A14, ERN 01432949, A23; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050417, A689. *See* **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A18; **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375346, A105, ERN 01375347, A113 *referring to* **D219/853.1**, AnnexA: Sketch of Places, 25 October 2016, ERN KH 01340661; **D219/636**, Written Record of Interview of Witness Khoem Vai, 21 December 2015, ERN 01207671, A35; **D118/302**, Written Record of Interview of Pann Sarou, 2 September 2014, ERN 01045477, A54; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057684-ERN 01057687, A66; **D118/259**, Written Record of Interview of Witness Pech Chim, 18 June 2014, ERN 01000682-01000683, A131-136. *Cf.* **D219/278**, Written Record of Interview of Witness Seb Reth, 23 April 2015, ERN 01098522, A14, ERN 01098524, A38.



each other.<sup>911</sup> **Yim Tith** held meetings and received guests at the Sector 13 Office on a regular basis.<sup>912</sup> **Yim Tith** was seen attending meetings with Ta Mok and working at the Southwest Zone Office.<sup>913</sup> Ta Mok and **Yim Tith** lived together in a large compound west of the old provincial hall which was also used to receive guests and hold meetings.<sup>914</sup>

350. According to Chan Vicheth, a former messenger based in Sector 13, **Yim Tith** and Ta Mok were responsible for the “*whole of Takeo Province and the entire zone*”, and **Yim Tith** was specifically “*responsible for the entire western part of Takeo Province*”. He does not specify a certain time period and in any event he was in Takeo for only about four months.<sup>915</sup> **Yim Tith** acted as “*Ta Mok’s representative*”; for example, Ta Mok would give him responsibility for various military and internal security matters.<sup>916</sup> The witness understood that **Yim Tith’s** position was “*higher than the sector level*” because of his close relationship to Ta Mok.<sup>917</sup> For example, **Yim Tith** supervised the zone messenger unit, managed zone supplies. The witness also observed **Yim Tith** on various occasions ordering people to carry out tasks and inspecting worksites

<sup>911</sup> **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057687, A66; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045477, A54; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432948, A13-A14, ERN 01432949, A23; **D118/209**, Written Record of Interview of Witness UI Hoeun, 19 March 2014, ERN 00983584, A137.

<sup>912</sup> **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947191, A31-A32; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000670, A36, ERN 01000671, A38, ERN 01000683, A131-136.

<sup>913</sup> **D118/151**, Written Record of Interview of Witness Khiev Noeu, 23 November 2013, ERN 00979095, A17; **D219/278**, Written Record of Interview of Witness Seb Reth, 23 April 2015, ERN 01098524, A36-A42; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN, 01170593, A99; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050429, A777, A781. See also **D219/922**, Written Record of Interview of Witness Chhoem Nham, 15 February 2017, ERN 01451442, A55.

<sup>914</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375345, A97, ERN 01375346, A105, A107-A111 referring to **D219/853.1**, AnnexA: Sketch of Places, 25 October 2016, ERN KH 01340661; **D118/209**, Written Record of Interview of Witness UI Hoeun, 19 March 2014, ERN 00983584, A137.

<sup>915</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375338, A21, ERN 01375342, A66, ERN 01375345, A101, ERN 01375351, A153.

<sup>916</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, , ERN 01375340, A44-A46, A50-A52, ERN 01375341-01375342, A60-A63, ERN 01375350, A144, ERN 01375353, A171. Cf. ERN 01375348, A131, ERN 01375351, A150-A151; ERN 01375351, A153.

<sup>917</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375337, ERN 01375339, A40, ERN 01375342, A64, ERN 01375344, A82, ERN 01375348, A131.



throughout the zone<sup>918</sup> as well as attending a meeting with district committee representatives at the Zone Office.<sup>919</sup>

351. Witness Moeng Vet states that **Yim Tith** initially served as the “*sector assistant*” to Ta Saom and managed the work of the messenger unit in Sector 13.<sup>920</sup> In late 1976 the witness attended a meeting in Sector 13 where he saw **Yim Tith** seated on stage at the right-hand side of Ta Saom, a place usually reserved for the deputy secretary of the sector.<sup>921</sup> He noted that, despite Ta Phen being Deputy Sector 13 Secretary, **Yim Tith** was actually “*more powerful*” than Ta Phen because of his age and familial connection with Ta Mok.<sup>922</sup>
352. After his formal appointment in the Northwest Zone,<sup>923</sup> **Yim Tith** continued to travel back and forth to the Southwest Zone until the end of DK, corroborating the testimony of witnesses that he had concurrent authority and responsibility in both zones,<sup>924</sup> similar to how Ta Mok maintained authority simultaneously in both Zones.<sup>925</sup>

<sup>918</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375337, A15-A17, ERN 01375342, A66-A70, ERN 01375344, A82, A84, ERN 01375351, A154, ERN 01375352, A158. *See also* **D219/959**, Written Record of Interview of Witness Sar Chuon, 30 March 2017, ERN 01456288, A56, A59.

<sup>919</sup> **D219/853**, Written Record of Interview of Witness Chann Vichet, 25 October 2016, ERN 01375337, A15-A17, ERN 01375339, A32-A38.

<sup>920</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170586, A34-A35. *Cf.* **D119/85**, Written Record of Interview of Witness Moeng Vet, 12 February 2014, ERN 00982714, A9-A12 *confirming* **D119/84.2**, [Partial T.] DC-Cam Interview of Moeng Vet, 13 August 2013, ERN 01212286.

<sup>921</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170586-01170587, A37-A41, ERN 01170589, A57-A58, ERN 01170595, A120.

<sup>922</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170589, A62-A63, ERN 01170592, A91.

<sup>923</sup> *See Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-358.

<sup>924</sup> **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050428-01050429, A776-A781, ERN 01050458, A992. *See* **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A18, A20; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079818-01079819, A25-A27; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045473, A26; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947190, A17. *See also* **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976618, A29. *Cf.* **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000682, A128-A129; **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045530, A99-A101; **D219/55**, Written Record of Interview of Witness Yan Hao, 27 October 2014, ERN 01053839, A42.

<sup>925</sup> **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406699, lines 17-24, ERN 00406701-00406702, ERN 00406716, lines 9-14, ERN 00406723, lines 16-17, ERN 00406737-00406738; **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050428, A775. *Cf.* **D219/466**, Written Record of Interview of Witness Toem Phan, 10 October 2015, ERN 01152306, A304.



### 5.3.3 *Role and authority of Yim Tith in the Northwest Zone*

#### 5.3.3.1 *Yim Tith in the Northwest Zone from mid-1976 until mid-1978*

353. **Yim Tith** visited the Northwest Zone on numerous occasions prior to his formal appointment to positions there in approximately June 1978. From as early as mid- to late 1976, **Yim Tith**, together with Ta Mok, held study sessions alongside Northwest Zone cadres, including Ta Vanh who at the time served as Sector 1 Secretary before being replaced by Ta Paet.<sup>926</sup> Throughout 1977, **Yim Tith** continued making periodic visits to worksites around Sector 1 where he would attend and chair meetings. **Yim Tith's** regular visits to the Northwest Zone continued in early 1978, where he inspected the sluices at Kang Hort Dam Worksite alongside Ta Paet before formally replacing him as secretary of Sector 1, and as Northwest Zone Committee member in June 1978.<sup>927</sup>

354. **Yim Tith's** visits to the Northwest Zone became more regular throughout the entirety of 1977. From the beginning of 1977, **Yim Tith**, together with Ta Mok, was chairing meetings that were attended by Koas Krala District military, and he inspected worksites, visited security centres, and chaired meetings with Ta Paet until the second half of 1977. During this time he was also meeting Northwest Zone Secretary Ta Nhim on a regular basis. By the end of 1977, **Yim Tith** was addressing cadres from throughout Sector 1, this time without being accompanied by Ta Paet or any other senior Northwest Zone cadre.<sup>928</sup>

<sup>926</sup> Alternative transliteration: Ta Pet.

<sup>927</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719-01128720, A84-A99; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337024, A50-A51, ERN 01337026, A65-A71, ERN 01337028, A81, ERN 01337035-01337036, A139, ERN 01337036, A142-A144; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456265-01456267, A13-A18, A20, A22, A24-A36, ERN 01456269-01456270, A55-A57, A59-A63; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502684-01502690, A3-A5, A9, A11, A15-A21, A24-A26, A29-A30, A37-A38, A48, A50, A54, A58, A60-A61, A65-A67.

<sup>928</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337018-01337021, A7-A8, A16-A17, A27-A28, ERN 01337024, A50-A51, ERN 01337026, A65-A71, ERN 01337028, A79, A81, ERN 01337031-01337036, A104-A118, A120-A124, A126-A135, A138-A140, A142, A144; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456267-01456268, A39, A51; **D219/980**, Written Record of Interview of Witness Sao Chabb, 26 April 2017, ERN 01517544-01517545, A9-A15, A23, A26; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502687, A24-A26, A30; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517551-01517553, A19, A26-A30, A31-A34, A37-A38, A40-A47; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519556-01519559, A3-A7, A10-A11, A13-A25, ERN 01519561-01519566, A31, A33-A34, A36-A42, A44-A47, A47-A58, ERN 01519566, A61; **D219/984**, Written Record of Interview of Witness Sao Chabb, 4 May 2017, ERN 01517558, A8-A10; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305925-01305926, A47-A51; **D219/46**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305925-01305926, A47-A51; **D219/46**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305925-01305926, A47-A51.



355. In addition to visiting worksites and security centres, and attending meetings throughout 1977, **Yim Tith** also met daily<sup>929</sup> with Northwest Zone Secretary Ta Nhim, less than a year prior to his arrest in mid-1978.<sup>930</sup>
356. **Yim Tith** continued to chair meetings in early 1978, without Ta Paet or any senior Northwest Zone cadres present. He began making more regular visits to Kang Hort Dam Worksite in the second quarter of 1978 accompanied by Ta Paet, familiarising himself with the geography of the area, before replacing Ta Paet as secretary of Sector 1 and Northwest Zone Committee member.<sup>931</sup>

### 5.3.3.2 Yim Tith's appointment to positions in the Northwest Zone around June 1978

357. Around June 1978, **Yim Tith** was appointed to the position of secretary of Sectors 1, 3, and 4, and also served on the Zone Committee as Deputy Secretary alongside Zone Secretary Ta Mok.
358. The most likely date of **Yim Tith's** appointment was around the first half of June 1978, because witnesses state that **Yim Tith** assumed authority in the Northwest Zone at the time Ta Mok assumed the role of Northwest Zone Secretary,<sup>932</sup> which happened when

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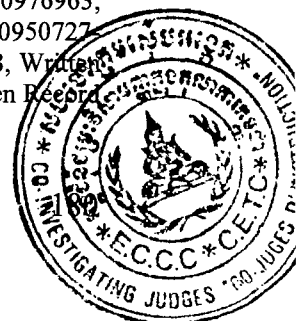
of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050674, A39-A44; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522-01088523, A4-A8; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931-01092932, A9, A17; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111809-01111811, A24, A28, A35; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519, A75-A76; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216247, A45-A56.

<sup>929</sup> **D118/137**, Written Record of Interview of Witness Chorn Vorn, 31 October 2013, ERN 00970083, A27-A31; **D219/237**, Written Record of Interview of Witness Chorn Vorn, 24 March 2015, ERN 01092936-01092937, A6, A15. See also **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, EN 01128273, A89-A90.

<sup>930</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222915 (No. 14398, Muol Un alias Sambatt (Nhim), Secretary of the Northwest Zone); **D6.1.873**, Transcript of Hearing on the Substance in Case 001 [Kaing Guek Eav alias Duch], 25 November 2009, ERN 00406699, lines 22-24; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958-00976959, A4. See also **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090007-01090008, A9, A11; **D1.3.18.2**, S-21 Confession of Moul Sambatt alias Ruos Nheum, 14 June 1978, ERN 00780859.

<sup>931</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719, A84-A99, ERN 01128722, A112, ERN 01128723, A121; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708-01067709, A71-A75, ERN 01067710, A90, ERN 01067718-01067719, A143-A146; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117717, A24; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974995-00974996, A15-A26.

<sup>932</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976962-00976963, A20-A23; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950727-00950728, A14-A25. See also Yim Tith's de jure role in the Northwest Zone in mid-1978: **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128713, A35.



previous Zone Secretary Ta Nhim was removed from his position before 14 June 1978 (the date of his confession at S-21).<sup>933</sup>

359. When **Yim Tith** arrived in Battambang, he resided in Ampil Prahong<sup>934</sup> located outside of Battambang Town;<sup>935</sup> his house was approximately 20-30 metres from Ta Mok's house.<sup>936</sup> A former unit chief states that **Yim Tith** chaired leadership meetings in Battambang Town, and that more general meetings were held at Kang Hort Dam Worksite.<sup>937</sup>

#### *Secretary of Sector 1*

360. As discussed above, after spending some time in Takeo Province and making periodic visits to Kang Hort Dam Worksite in the first half of 1978, **Yim Tith** became Sector 1 Secretary in June 1978.<sup>938</sup>

#### *Members of the Sector 1 Committee*

361. After the purge of its former secretary Ta Vanh, in June 1977,<sup>939</sup> evidence of the exact composition of the Sector 1 Committee, aside from the sector secretary, varies. After

<sup>933</sup> **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975011, A35. See **D1.3.18.2**, S-21 Confession of Moul Sambath alias Ruos Nheum, 14 June 1978, ERN 00780859.

<sup>934</sup> **D219/896**, Written Record of Interview of Witness Chuong Luom, 16 January 2017, ERN 01421352, A43; **D219/978**, Written Record of Interview of Witness Yim Sambath, 8 May 2017, ERN 01519550, A28; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053913-01053914, A61-A62. See also **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976973, A19; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061173, A12; **D219/636**, Written Record of Interview of Witness Khoem Vai, 24 December 2015, ERN 01207682, A96.

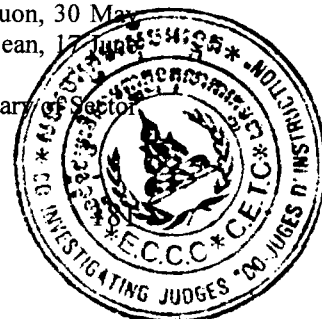
<sup>935</sup> **D219/636**, Written Record of Interview of Witness Khoem Vai, 24 December 2015, ERN 01207682, A96. See **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053913-01053914, A61-A62.

<sup>936</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13.

<sup>937</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061173, A12.

<sup>938</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707, A67-A68; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522, A3-A5; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029401, A10-A11; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097409, A34; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029378, A4, ERN 01029382, A17-A18; **D118/299**, Written Record of Interview of Witness Chuon Than, 4 September 2014, ERN 01044757, A24; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168, A2-A3; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044674-01044675, A7, ERN 01044685, A63; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455-00970456, A23-A24; **D219/416**, Written Record of Interview of Witness Lies Kung, 12 July 2015, ERN 01135076-01135077, A11-A12; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950727, A12-A13; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 July 2015, ERN 01117716, A10-A14.

<sup>939</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, ERN 01222369 (No. 913, Chea Huon alias Vanh, Secretary of Sector 1 – Entry into S-21 20 June 1977).



Ta Vanh's arrest, Ta Paet became secretary of Sector 1.<sup>940</sup> At the time the Sector 1 Committee also included Ta Sou as his deputy.<sup>941</sup> However, Ta Sou was arrested in or around the same time as Ta Vanh before the 23 June 1977.<sup>942</sup> After Ta Paet was demoted from his role, **Yim Tith** replaced him as Sector 1 Secretary.<sup>943</sup>

362. Ta Paet continued working in the Sector for a short period of time after **Yim Tith**'s relocation to Sector 1 in mid-1978.<sup>944</sup> Ta Paet's former messenger and bodyguard confirms that Ta Paet was arrested after the arrival of **Yim Tith**, probably two months after the arrest Ta Nhim,<sup>945</sup> which places the date of his arrest around August 1978. According to him, two messengers of Ta Mok and **Yim Tith** told Ta Paet to pack his things because Ta Mok wanted to move him to a new place. The witness assumed that this meant that Ta Paet was either going to be detained or executed.<sup>946</sup>
363. Evidence on the exact composition of the Sector 1 Committee after Ta Paet's arrest around August 1978, aside from **Yim Tith**, varies. It is possible that Ta Nim, who was **Yim Tith**'s subordinate from the Southwest Zone,<sup>947</sup> served on the sector committee. Ta Paet's bodyguard states that Ta Nim was **Yim Tith**'s deputy on the sector

<sup>940</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117718, A39.

<sup>941</sup> **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090006-01090007, A3-A5.

<sup>942</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222421, Entry 2180

<sup>943</sup> **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A11-A12; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707, A67, ERN 01067709, A79; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970457-00970458, A33-A36, A45; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969644, A43; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168, A2; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117718, A39.

<sup>944</sup> **D20**, Written Record of Interview of Witness Han Thy, 21 May 2011, ERN 00710286; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090008, A14-A17; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3.

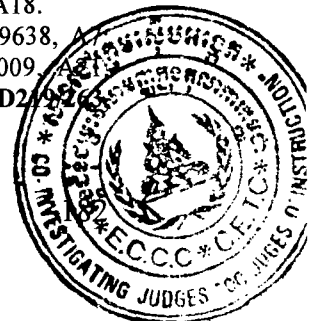
<sup>945</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969643, A37; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090008, A14-A15, ERN 01090011, A49; *See also* **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128720, A99; **D219/515**, Written Record of Interview of Witness Chheun Chhouy, 18 September 2015, ERN 01156944, A30, ERN 01156948, A48, *cf.* ERN 01156943, A27; **D118/102**, Written Record of Interview of Witness of Toit Thoeun, 10 September 2013, ERN 00974020, A33; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 11 August 2013, ERN 00976961, A13; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522-01088523, A4-A8; Arrested after arrival of Southwest Zone cadres: **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207517, A69; *Cf.* **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A3. *Contra.* **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173580, A44.

<sup>946</sup> **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090008, A18.

<sup>947</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638, A

**D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090009.

**D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A14; **D219/233**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097411, A58-A61.





committee,<sup>948</sup> whereas another witness states that Ta Nim was the “*manager*” of Wat Tuol Andaet.<sup>949</sup> The latter witness’ account is partially corroborated by Ta Nim’s widow who cannot recall **Yim Tith** assigning Ta Nim to do any work other than work at the garage at Wat Tuol Andaet, or that Ta Nim went any further than Battambang Town.<sup>950</sup> She adds that Ta Nim and **Yim Tith** were relatives, and that he was likely assigned to protect **Yim Tith** because he had proven himself as a skilful soldier before moving to the Northwest Zone.<sup>951</sup> According to the witness, Ta Nim would go meet **Yim Tith** once per month.<sup>952</sup>

*Authority exercised by Yim Tith as Sector 1 Secretary*

364. **Yim Tith** as Sector 1 Secretary:

- i. had authority and direct control over military<sup>953</sup> and personnel matters within the sector, as is evidenced by statements he made regarding the traitorous activities of the Northwest Zone cadres;<sup>954</sup>
- ii. had authority over his subordinates in matters of security within the sector, as is evidenced by meetings he held and encounters he had with those from the lower echelons, where he discussed the enemy situation, instructing those in attendance to report of enemy activities, “*re-educate*”, or “*smash*”,<sup>955</sup>
- iii. had the power to shield individuals from arrest and execution. For example, in late 1978, **Yim Tith** ordered the release of several soldiers detained at Wat Prey

<sup>948</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638, A7; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090009, A21.

<sup>949</sup> **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A16.

<sup>950</sup> **D219/904**, Written Record of Interview of Witness Yoem Kuonh, 24 August 2017, ERN 01517502, A99-A102.

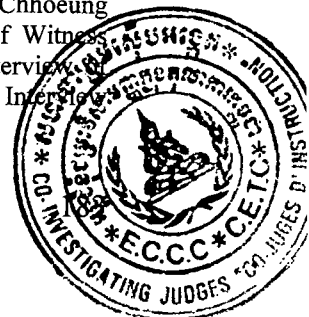
<sup>951</sup> **D219/904**, Written Record of Interview of Witness Yoem Kuonh, 24 August 2017, ERN 01517504, A127.

<sup>952</sup> **D219/904**, Written Record of Interview of Witness Yoem Kuonh, 24 August 2017, ERN 01517501, A83.

<sup>953</sup> **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A20, ERN 01173582, A54, ERN 01173588, A82-A84.

<sup>954</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A5; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A17.

<sup>955</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A4-A5; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A17; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683-01044684, A55-A56; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067712, A100, ERN 01067715, A125; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A90, A94; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14; **D219/953**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451718, A70-A75; **D219/954**, Written Record of Interview of Witness Chhoeung Chhoeurt, 18 March 2017, ERN 01451518, A8-A13; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970456-00970457, A30.



- Touch who had been accused of shooting a Southwest Zone cadre.<sup>956</sup> In another case, **Yim Tith** spared a Northwest Zone cadre because he was useful to the incoming Southwest Zone cadres, as “*Ta Tith wanted to know the geographical locations of the sector*”.<sup>957</sup> The same witness also states that in May 1978 **Yim Tith** removed a Northwest Zone cadre (the witness’ cousin) from his position and sent him to do farming.<sup>958</sup>
- iv. was in charge of economics, as is evidenced by speeches given by **Yim Tith** about irrigation,<sup>959</sup> and agricultural production,<sup>960</sup> and regular site visits to Kang Hort Dam,<sup>961</sup>
  - v. had *de jure* authority over the district and commune level cadres in his sector, including the appointment of members of the sector and district committees, with the approval of the Northwest Zone Secretary and the Committee.<sup>962</sup>

<sup>956</sup> **D118/244**, Written Record of Interview of Witness Phar Pet, 23 May 2014, ERN 01029409-01029411, A2-A3, A5-A7, A11; **D219/546**, Written Record of Interview of Witness Phar Pet, 5 October 2015, ERN 01172553-01172555, A36-A39, A41-50. *See also* **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976959-00976960, A5, A7.

<sup>957</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710-01128711, A20-A21. *See also* **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139587, A31-A32, ERN 01139588, A35-A36; **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN00976958-00976959, A4.

<sup>958</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722, A85-A86; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128721, A106-A107.

<sup>959</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067711, A98.

<sup>960</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A16; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974995, A19-A20, A22-A23; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A90-A93.

<sup>961</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974996, A24; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3-A4, ERN 01061172-01061173, A9-A10; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708, A72.

<sup>962</sup> **D1.3.20.1**, Communist Party of Kampuchea Statute, January 1976, ERN 00184041, Article 12(3). *See also* **D118/87**, Written Record of Interview of Witness of Tep Sien, 13 August 2013, ERN 00976974, A28; **D6.1.863**, Transcript of Hearing on the Substance in Case 001 [Craig Etcheson], 18 May 2009, ERN 00328519, lines 18-22; **D119/29**, Written Record of Interview of Witness Pan Chhuong, 14 March 2013, ERN 00937034-00937035, A6; **D118/274**, Written Record of Interview of Witness Bun Thoeun, 10 July 2014, ERN 01031974, A21; **D118/23**, Written Record of Interview of Witness Tem Phal, 20 February 2013, ERN 00967018, A11; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000672, A44. Sector secretaries appointing (or removing) district and commune committee positions: **D118/242**, Written Record of Interview of Khoem Boeun, 21 May 2014, ERN 01057688, A70, ERN 01057723, A275; **D119/65**, Written Record of Interview of Witness Tum Soeun, 16 October 2013, ERN 00966787, A63; **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508565, A19-A20; **D134/2**, Written Record of Interview of Witness Sou Nan, 4 September 2013, ERN 00974273, A8; **D6.1.985**, Written Record of Interview of Witness Sao Phen, 5 April 2010, ERN 00508571-00508572, A1-A2; **D219/702.1.142**, Written Record of Interview of Witness Bun Loeng Chauy, 10 June 2008, ERN 00274100; **D179/1.2.23**, Transcript of Hearing on the Substance in Case 002 [Sao Sarun], 5 June 2012, ERN 00814738, lines 8-10; **D6.1.141**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278695; **D118/77**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278695; **D118/77**, Written Record of Interview of Witness Sao Sarun, 17 December 2008, ERN 00278695.



365. **Yim Tith** chaired and convened meetings with representatives from the districts,<sup>963</sup> communes,<sup>964</sup> cooperatives,<sup>965</sup> including militiamen<sup>966</sup> and mobile units,<sup>967</sup> where he gave instructions to those in attendance on agricultural<sup>968</sup> and security matters<sup>969</sup> within the respective localities, and told them to report of enemy activities,<sup>970</sup> “*re-educate*”,<sup>971</sup> or “*smash*”.<sup>972</sup>

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Witness Nang Ny, 23 June 2013, ERN 00970456, A23; **D119/156**, Written Record of Interview of Chhoeng Choeun, 4 September 2014, ERN 01044846, A26.

<sup>963</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053913-01053914, A61-A62; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A13, A16-A17; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.

<sup>964</sup> **D105/8**, Written Record of Interview of Witness Han Thy, 20 March 2012, ERN 00803457, A27; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A16; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976974, A28; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.

<sup>965</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A16-A17; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061170-01061171, A7; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178472, A4-A5; **D219/534**, Written Record of Interview of Witness Yan Yaun, 1 October 2015, ERN 01172536, A21.

<sup>966</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722, A88; **D219/534**, Written Record of Interview of Witness Yan Yaun, 1 October 2015, ERN 01172536, A21; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173586-01173587, A75.

<sup>967</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029378, A4; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A90; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944-01156945, A30-A33; **D219/534**, Written Record of Interview of Witness Yan Yaun, 1 October 2015, ERN 01172532, A1-A2; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173587, A77.

<sup>968</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029381-01029382, A16; **D118/87**, Written Record of Interview of Witness of Tep Sien, 13 August 2013, ERN 00976974, A28; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067711, A98; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974995, A22-A23; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944, A30; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117723, A93; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128724, A128; **D219/534**, Written Record of Interview of Witness Yan Yaun, 1 October 2015, ERN 01172535, A17; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860-01111861, A16.

<sup>969</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A4-A5; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067719, A148; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A90; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944, A30; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173588, A82-A84; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860-01111861, A16.

<sup>970</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A5.

<sup>971</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067715, A125.

<sup>972</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169.

**D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56.



366. According to one witness who attended them, meetings with representatives from sectors and districts were chaired by **Yim Tith** and Ta Mok on a monthly basis in Battambang Town,<sup>973</sup> occasionally at Ta Mok's and at **Yim Tith**'s house.<sup>974</sup> In a later interview, the witness revoked her testimony and stated that she was only summoned to a meeting at **Yim Tith**'s house once,<sup>975</sup> however, this is clearly intended to protect her own position and not credible in light of her previous detailed evidence,<sup>976</sup> and her husband's account that he accompanied her to five or six of such meetings.<sup>977</sup>

367. **Yim Tith** and Ta Mok, who co-chaired or took turns in chairing these meetings,<sup>978</sup> discussed the general situation in the districts and gave instructions to those in attendance. They requested reports from representatives of each commune and district about the situation within their area of responsibility.<sup>979</sup> The audience was reminded to "smash" any enemy,<sup>980</sup> i.e. that if any enemy was identified, that they were first to issue a warning and in the case of non-compliance, to kill them. They also dealt with mortality and birth rates as well as production targets at the commune level.<sup>981</sup> Given that Ta Mok and **Yim Tith** were presiding, and that hundreds of sector, district, and commune committee members attended, it can be inferred that this was a zone level meeting.<sup>982</sup>

<sup>973</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A55-A56.

<sup>974</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.

<sup>975</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432964, A116.

See also **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56.

<sup>976</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.

<sup>977</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053913-01053914, A61-A62.

<sup>978</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.

<sup>979</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860-01111861, A16; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683-01044684, A55.

<sup>980</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044684, A56.

<sup>981</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860-01111861, A16; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432968-01432969, A140-A142; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683-01044684, A55; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088523, A8; **D219/292**, Written Record of Interview of Civil Party Applicant Lek Phiv, 4 May 2015, ERN 01111811, A35; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944, A30-A33.

<sup>982</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A13-A14.



368. Towards the end of DK, **Yim Tith** chaired meetings to prepare the fight against the Vietnamese.<sup>983</sup> When **Yim Tith** travelled to meetings or inspections he was at times escorted by his militia.<sup>984</sup>
369. The then deputy secretary of Samlaut District recalls that the district received instructions, hand-written by **Yim Tith**, from the sector.<sup>985</sup>
370. There were monthly reports from the communes to Sector 1, the content of which, was divulged orally to the deputy district secretary, so she knew their contents despite her illiteracy.<sup>986</sup>
371. **Yim Tith** regularly visited the Samlaut District office once or twice a month, also calling at the deputy secretary's house a few times.<sup>987</sup>

### *Secretary of Sector 3*

372. In the second half of 1978 **Yim Tith** also assumed the role secretary of Sector 3. A Southwest Zone cadre who was appointed to replace the former Bavel District Secretary after the arrest of Zone Secretary Ta Nhim<sup>988</sup> explains that he assumed this position approximately one month after Ta Nhim's arrest, that Bavel District was ceded from Sector 5 to Sector 3 in September or October 1978, and that at the time **Yim Tith** was in charge of Sector 3.<sup>989</sup> While this evidence supports the conclusion that **Yim Tith** assumed the position of Sector 3 Secretary only from September or October 1978, **Yim**

<sup>983</sup> **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950728, A22; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117723, A94; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173588, A82-A84; **D219/894**, Written Record of Interview of Witness Kao Porn, 14 January 2017, ERN 01412968, A38; **D219/943**, Written Record of Interview of Witness Lorm Len, 14 March 2017, ERN 01523946, A36-A37; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451718, A70, A75; **D219/954**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451518, A70.

<sup>984</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970456, A28; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156949, A57; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451718, A73.

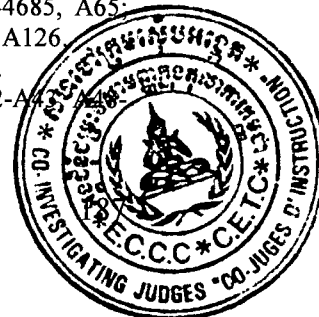
<sup>985</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044681-01044683, A44-A45, A51, ERN 01044688, A82. See also **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432968, A137.

<sup>986</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432967, A132-A133; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044682-01044683, A51.

<sup>987</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044685, A65; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432965, A126.

<sup>988</sup> **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111830, A36.

<sup>989</sup> **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111831, A42-A43, A50.



**Tith** was chairing meetings attended by Ta Chheng, the secretary of Phnom Sampeou District, Sector 3, and was appointing cadres to positions in Sector 3 from as early as June 1978,<sup>990</sup> all of which indicates that **Yim Tith** held this position from as early as June 1978, at the same time as serving as secretary of Sector 1.<sup>991</sup>

373. Further, it is noteworthy that all members of the previous Sector 3 Committee, Ta Tom (secretary),<sup>992</sup> Keo Mannak (deputy),<sup>993</sup> Ta Hea<sup>994</sup> and Ta Chham (member)<sup>995</sup> were arrested before June 1978,<sup>996</sup> and do not appear to have been replaced.
374. **Yim Tith**, as secretary of Sector 3, appointed people to positions within the administrative structure of Sector 3, held meetings where workers and district level cadres from Sector 3 were in attendance, including at Phnom Sampeou Pagoda; furthermore, he sent and received written communications to the district level on matters relating to both security and the economy.<sup>997</sup>
375. This general finding is not contradicted by the testimony of Ke Phai (or Keo Phay), who made two divergent statements about who appointed him personally to a commune post, i.e. **Yim Tith** or Ta Mok.<sup>998</sup>

<sup>990</sup> **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954058, A13; **D118/94**, Written Record of Interview of Witness Keo Phay, 2 September 2013, ERN 00967048, A11.

<sup>991</sup> See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-358, 360.

<sup>992</sup> **D118/102**, Written Record of Interview of Witness of Toit Thoeurn, 10 September 2013, ERN 00974016, A22; **D118/153**, Written Record of Interview of Witness Long Vonn, 26 November 2013, ERN 00978779, A68; **D219/930**, Written Record of Interview of Witness Em Lay, 20 February 2017, ERN 01492911, A8; **D219/551**, Written Record of Interview of Witness Heng Khly, 19 October 2015, ERN 01178554, A19; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975011, A32; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222598, n. 6857.

<sup>993</sup> **D118/102**, Written Record of Interview of Witness Toit Thoeurn, 10 September 2013, ERN 00974016, A22.

<sup>994</sup> **D6.1.115**, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275400; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222446, n. 2996.

<sup>995</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976957-00976958, A2, ERN 00976960, A9; **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954058, A13; **D6.1.115**, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275400; **D118/85**, Written Record of Interview of Witness Chea Chooun, 9 August 2013, ERN 00976946, A25.

<sup>996</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222598, n. 6857, ERN 01222446, n. 2996, ERN 01222379, n. 1168.

<sup>997</sup> **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976974, A28; **D118/92**, Written Record of Interview of Witness Nop Nan, 31 August 2013, ERN 00967027-00967028, A11; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A16-A17; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169-01061170, A5, A7; **D219/817**, Written Record of Interview of Witness Keo Phay, 24 August 2016, ERN 01486572, A35; **D118/299**, Written Record of Interview of Witness Chuon Than, 4 September 2014, ERN 01044754, A12-A13, ERN 01044756, A21-A22, ERN 01044757, A26; **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111832, A54-A55, ERN 01111836-01111837, A98-A101, ERN 01111844, A173-A175, ERN 01111845, A183, A190-A194.

<sup>998</sup> **D118/94**, Written Record of Interview of Witness Keo Phay, 2 September 2013, ERN 00967048-00967050, A14-A15, A20-A23; **D219/817**, Written Record of Interview of Witness Keo Phay, 24 August 2016, ERN 01486572, A35.



376. **Yim Tith** also visited district offices within Sector 3 and communicated with the district level *via* written communications.<sup>999</sup>

#### *Secretary of Sector 4*

377. The former Sector 4 Secretary, Ta Vung, was sent to S-21 in approximately mid-1978.<sup>1000</sup> **Yim Tith**, in addition to his role as secretary of sectors 1 and 3, was then appointed Sector 4 Secretary.<sup>1001</sup>

378. Beyond **Yim Tith**'s role as the secretary, there is no evidence on the exact composition of the Sector 4 Committee after his appointment.

#### *Sectors 2 and 7*

379. There is no evidence that **Yim Tith** held formal positions at the sector level in either of Sectors 2 or 7.

#### *Northwest Zone Committee*

380. Upon his relocation to the Northwest Zone, **Yim Tith** was also appointed member of the Northwest Zone Committee. It is unclear whether this occurred at the same time of his appointment as secretary of Sector 1 in June, or later in 1978, possibly September.<sup>1002</sup> However, the evidence points to **Yim Tith** being the second most powerful man in the Northwest Zone after Ta Mok, immediately upon his appointment as Secretary of Sector 1 in mid-1978. One witness, an assistant collecting information from the districts of Sector 1,<sup>1003</sup> recalls that **Yim Tith** was on the Sector 1 Committee

01486569-01486571, A18, A20-A29; **D123/1/2.19a**, DC-Cam Statement of Ke Phai, 14 August 2008, ERN 01300162.

<sup>999</sup> **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111834-01111837, A77-A82, A98, A101, ERN 01111843-01111844, A161-A163, A168-A171.

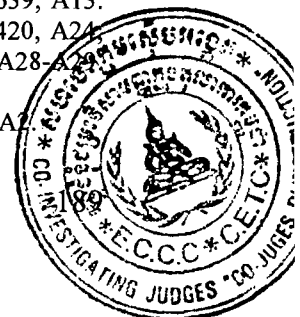
<sup>1000</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016, ERN 01222502, n. 4395.

<sup>1001</sup> **D118/96**, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974060, A29, A33-A35; **D219/627**, Written Record of Interview of Witness Loch Eng, 10 December 2015, ERN 01187741, A12, A18; **D219/884**, Written Record of Interview of Witness Loch Eng, 8 December 2016, ERN 01476049, A4-A7, A13. *See also* **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517477, A44; **D6.1.552**, DK telegram: the report sent to brother Duch on the number of prisoners taken in on August 18, 1977, 19 August 1977, ERN 00143276; **D6.1.580**, DK telegram: the report sent to Office S-21 on the number of prisoners taken in on October 19, 1977, 20 October 1977, ERN 00143354.

<sup>1002</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 13 October 2013, ERN 00969639, A13. *See also* **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029420, A24.

**D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053949, A28-A30. *Cf.* **D20**, Written Record of Interview of Witness Han Thy, 21 May 2011, ERN 00710286.

<sup>1003</sup> **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950725, A1-A2.



while at the same time serving as the deputy of the Northwest Zone. The witness knew that **Yim Tith** was deputy of the Northwest Zone, because there were only two high-ranking cadres from the Southwest Zone, the other being Ta Mok.<sup>1004</sup> The fact of Ta Mok and **Yim Tith** being the highest level cadres in the Northwest Zone receives support from the fact that **Yim Tith** and Ta Mok were co-chairing meetings together involving district level cadres from Sector 1 at **Yim Tith**'s house, visited Kang Hort Dam Worksite together, and were both involved in one specific instance of forced marriage.<sup>1005</sup>

381. In fact, **Yim Tith** serving as both Zone Committee Member and as Sector 1 Secretary<sup>1006</sup> reflects the previous administrative organisation of the Northwest Zone: before **Yim Tith**'s arrival, his predecessor, Ta Paet, was also at the same time both a member of the Northwest Zone Committee and Sector 1 Secretary.<sup>1007</sup>

382. Until about mid-1978, the Northwest Zone Committee comprised Ta Nhim as the secretary, Ta Koe (or Ta Keu) as deputy secretary, and Ta Paet as a member.<sup>1008</sup> After Ta Nhim was arrested by **Yim Tith** and Ta Mok,<sup>1009</sup> Ta Koe and Ta Paet first remained in charge, but were later also removed, and Ta Mok and **Yim Tith** made up the committee of the Northwest Zone.<sup>1010</sup> Nhoek Ly learnt of **Yim Tith**'s membership in

<sup>1004</sup> **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950727, A14-A17.

<sup>1005</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683-01044684, A55-A56; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432959-01432961, A88-A92, A99, ERN 01432963, A107, A110; **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382717, lines 7-10; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A17-A18; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207438, A54, ERN 01207440, A64. *See Forced marriage in Sectors 1 and 4*, paras 980-989.

<sup>1006</sup> *See Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-358, 360, 380.

<sup>1007</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 08 December 2014, ERN 01067706, A58-A60.

<sup>1008</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958-00976962, A4, A13, A18-A21. *See also D118/69*, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A11; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638, A6; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090012, A56; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053948-01053949, A25, A30; **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970082, A21.

<sup>1009</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958, A4, ERN 00976992-00976993, A18-A21. *See also D118/150*, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975009, A16, A18; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090007-10190008, A9-A11.

<sup>1010</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958, A4, ERN 00976992-00976993, A18-A21. *See also D118/150*, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975011, A35; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053949, A27-A28; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976926, A30-A31.





the Northwest Zone Committee at a meeting that he had been requested to attend by Ta Chheng, a Southwest Zone cadre in charge of the Phnom Sampeou District, in Sector 3.<sup>1011</sup> At the meeting, chaired by Ta Chheng, it was announced that Ta Nhim had betrayed the party and colluded with the Vietnamese, and that Ta Mok and **Yim Tith** were to replace Ta Nhim, because all the Northwest Zone cadres had been arrested.<sup>1012</sup>

383. The fact of **Yim Tith** holding a position on the Northwest Zone Committee and being *de facto* second-in-command as well as deputy to Ta Mok, receives support from other witnesses.<sup>1013</sup> Ta Mok had great trust in **Yim Tith**, as one cadre states that “*Ta Mok did not have a habit of assigning someone to replace him.*”<sup>1014</sup>

384. At what is now Battambang University, Ta Paet’s former bodyguard and messenger accompanied Ta Paet to a meeting after which Ta Paet told him that **Yim Tith** had announced that the Northwest Zone leaders were traitors, and that **Yim Tith** had showed him documents from the Centre which appointed **Yim Tith** to be responsible for the Northwest Zone. Although Ta Paet’s bodyguard states that this was three or four months before the Vietnamese troops took control of Battambang, placing it around September 1978, as Ta Paet was arrested around August 1978, this event must have taken place around a month prior to when the witness recalled that it did.<sup>1015</sup> A similar claim is made by another witness.<sup>1016</sup>

385. Evidence on the third member of the Zone Committee during this period varies but its exact composition is ultimately of little consequence for the purposes of this Closing Order and hence not in need of determination.<sup>1017</sup>

<sup>1011</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976958, A4.

<sup>1012</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976962, A21-A22.

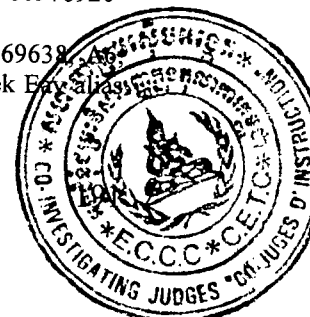
<sup>1013</sup> **D20**, Written Record of Interview of Witness Han Thy, 21 May 2011, ERN 00710286; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207436, A37; **D118/150**, Written Record of Interview of Witness Hem Moeun, 21 November 2013, ERN 00975014-00975015, A60-A61; **D118/222**, Written Record of Interview of Witness Hem Moeun, 3 April 2014, ERN 00988134, A14; **D219/64**, Written Record of Interview of Witness Peou Koeun, 12 November 2014, ERN 01053949, A28-A29; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969639, A13. *See also* **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029420, A24.

<sup>1014</sup> **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000684, A141.

<sup>1015</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969639, A13. *See also* **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029420, A24-A25.

<sup>1016</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976920-00976921, A2, ERN 00976924, A16-A17.

<sup>1017</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969639, ERN 00969643, A37; **D179/1.2.8**, Transcript of Hearing on the Substance in Case 002 [Kaing Guek Eav Duch], 20 March 2012, ERN 00792986, lines 21-22.



5.3.4 *Yim Tith's conduct and contribution to the JCE seeking to eliminate the Khmer Krom*

386. **Yim Tith** contributed to the CPK plan to eliminate the Khmer Krom by consistently speaking out against the Vietnamese and anyone linked to Vietnam, and by calling on all sectors of society, including subordinate CPK cadres, to monitor and report anyone suspected of such links so they could be killed.
387. **Yim Tith's** words reveal a strong hatred towards the Vietnamese, extending to anyone of Vietnamese origin or with possible ties to Vietnam, such as the Khmer Krom. Although his statements expressly refer to the Vietnamese and those linked to them, it can be inferred that this referred to the Khmer Krom or at least included the Khmer Krom, based on the following considerations: the CPK often conflated the Khmer Krom with the Vietnamese; **Yim Tith** refers to large numbers of Vietnamese posing a threat in the Northwest Zone, while the evidence shows that large numbers of Khmer Krom, but not Vietnamese, were present in the area; and his statements coincided with widespread targeting of the Khmer Krom.

5.3.4.1 *Sector 13, Southwest Zone*

388. The first known instance of **Yim Tith** making a pejorative statement about people affiliated with Vietnam was at a meeting in mid-1975 at Wat Prey Rumdeng, in Trapeang Chey Village, Prey Rumdeng Commune, Kirivong District, when he warned mobile unit workers and other people from the area that anyone who “*ran off to join the Yuon*” was to be considered an enemy and killed.<sup>1018</sup>
389. Witness Moeng Vet describes attending a series of meetings, held in late 1976 over 10 days in Angkor Chey Commune, Angkor Chey District, in which **Yim Tith**, along with other sector, district, and possibly commune level cadres from throughout Sector 13, was present.<sup>1019</sup> During this event, Ta Saom, then Sector 13 Secretary, described the “*KGB*” and the Vietnamese as enemies.<sup>1020</sup> Furthermore, during self-criticism meetings, the witness states that those who had “*relatives who had come from*

<sup>1018</sup> **D219/524**, Written Record of Interview of Witness Nheb Noem, 17 September 2015, ERN 01168031, A20-A21, ERN 01168033, A36, ERN 01168034, A39.

<sup>1019</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170587, A41-A42, ERN 01170588, A46, A47-A48, A51.

<sup>1020</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170588, A43-44, ERN 01170589, A64-A65.



*Kampuchea Krom*” were to be considered as “*having affiliation with the Vietnamese KGB*” and thus by implication were enemies of the CPK.<sup>1021</sup>

390. One witness recalls **Yim Tith** speaking at various meetings in villages throughout Kouk Prech Commune, Kirivong District, including Prey Cheung Village and Samraong Khang Kaeut Village, attended by “*commune and district committees, village chiefs, ordinary people, the male and female youth*”.<sup>1022</sup> Among other issues, **Yim Tith** referred to the “*Yuon Khmer*” when discussing “*internal security issues*”,<sup>1023</sup> thus signifying his belief that the Khmer Krom constituted a threat to DK. **Yim Tith** further alleged that the Vietnamese had “*violated*” Cambodia’s territory, and their “*agents embedded inside Khmer Rouge ranks*” had “*spied on*” and infiltrated all levels of DK and the CPK, from the commune level “*all the way up to the Centre*”.<sup>1024</sup> In response, the CPK had to collect information from all corresponding administrative levels of DK.<sup>1025</sup> He further called on all meeting participants to be vigilant and to report any such individual “*to the upper level*”.<sup>1026</sup> Although the precise date of these meetings cannot be ascertained, they were held “*frequently, many times*” at least up until the witness was reassigned from the area in late 1977 or early 1978.<sup>1027</sup>
391. These statements by **Yim Tith** coincided temporally and geographically with the mass killing of at least hundreds of Khmer Krom in Kouk Prech Commune between late 1977 and early 1978.<sup>1028</sup>
392. On at least three occasions between the end of 1976 and January 1978, **Yim Tith** visited Wat Pratheat Security Centre, where Khmer Krom were detained and subsequently killed. He questioned prisoners, identified prisoners as enemies, and

<sup>1021</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170588, A45.

<sup>1022</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139549, A3-A5, ERN 01139550, A10, ERN 01139565, A117, ERN 01139572-01139574, A174-A175, A187-A188, A191-A196.

<sup>1023</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139572, A175-A176.

<sup>1024</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139572, A176-A177, ERN 01139573, A184.

<sup>1025</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139572, A177-A179, ERN 01139573, A184.

<sup>1026</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139573, A185-A186.

<sup>1027</sup> **D219/406**, Written Record of Interview of Witness You Phnom, 10 July 2015, ERN 01139550, A10, ERN 01139565, A117, ERN 01139574, A191-A196.

<sup>1028</sup> **D219/108**, Written Record of Interview of Witness Phnom You, 1 December 2014, ERN 01076888, ERN 01076890-01076891, A2 in conjunction with **D219/109**, Written Record of Interview of Witness Phnom You, 1 December 2014, ERN 01081741, A14; **D219/406**, Written Record of Interview of Witness Phnom You, 10 July 2015, ERN 01139573, A183. See also *Wat Pratheat Security Centre*, para. 460.



ordered, passed on the order to, or at the least acquiesced to the interrogation and killing of prisoners.<sup>1029</sup>

#### 5.3.4.2 Sector 1, Northwest Zone

393. From early 1977 until at least mid-1978, **Yim Tith** spoke at meetings held at irregular intervals at Kang Hort Dam, at the Koas Krala District Office, and at other locations in Sector 1 and Battambang Province.<sup>1030</sup> The meetings were attended by both military and civilian cadres, including district and cooperative committee members.<sup>1031</sup> **Yim Tith** was often joined at these meetings by other high-ranking cadres including Ta Mok, and Ta Vanh and Ta Paet, both former Sector 1 Secretaries.<sup>1032</sup> At such meetings, **Yim Tith** “always talked about the Vietnamese” and that “the Vietnamese wanted to swallow our country”, with the history of Kampuchea Krom serving as an example of this.<sup>1033</sup> **Yim Tith** discussed the “enemies burrowing inside”, their “propaganda activities”, and advised the cadres to “locate the CIA networks, the Vietnamese” and execute people if a “serious mistake” had been committed.<sup>1034</sup>
394. At one meeting at Kang Hort Dam Worksite with 700 to 800 attendees, including ordinary citizens, as well as village, commune and district chairpersons,<sup>1035</sup> **Yim Tith** talked about “fighting the Yuon” and the “internal enemies”, which included the

<sup>1029</sup> See *Wat Pratheat Security Centre*, paras 463-469.

<sup>1030</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337018, A7-A8, ERN 01337022, A33, ERN 01337023, A45-A47, ERN 01337026, A65-A66, A68-A71, ERN 01337032-01337035, A114-A123, A126-A129, A132-A135, A138-A140; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517553, A44-A47; **D219/983**, Written Record of Interview of Witness Sao Chobb, 29 April 2017, ERN 01519556-01519559, A3-A7, A10-A11, ERN 01519561, A31; **D219/984**, Written Record of Interview of Witness Sao Chabb, 4 May 2017, ERN 01517557, A2-A4, ERN 01517558, A8-A10; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A1, ERN 01092932-01092933, A17-A20.

<sup>1031</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337033, A120-A124; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502685-01502687, A11, A15-A18, A23-A25; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517553, A44-A46; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519556, A3-A4, ERN 01519558, A16-A17, ERN 01519561, A31, ERN 01519563, A42.

<sup>1032</sup> **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092933, A19-A20; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337026, A68, A71, ERN 01337032, A114-A123, A126, ERN 01337034, A127-A130, ERN 01337035, A138; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502685-01502686, A11, A15-A18. See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 361-363.

<sup>1033</sup> **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092933, A19-A20.

<sup>1034</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337032-01337033, A115-A121, ERN 01337034, A133-A135. See also **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14.

<sup>1035</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3.



“*Yuon, CIA, and KGB*” that were hiding among the population.<sup>1036</sup> **Yim Tith** urged the people to monitor and report such enemies “*to upper Angkar so that Angkar could smash them before they smashed us*”.<sup>1037</sup> Although the witness claims that this meeting took place in late 1978, the presence of Ta Paet, who was arrested around August 1978, shows that the meeting must have taken place prior to this date, and the witness is mistaken about the date.<sup>1038</sup>

395. A former chief of a security guard unit at Kampong Kol Sugar Factory in Sangkae District, recalls a meeting held in early to mid-1978 at Battambang University, in Battambang Provincial town, during which **Yim Tith**, who was introduced as a member of the Northwest Zone Committee, warned against the threat of the “*Yuon*” destroying the sugar factory.<sup>1039</sup> The meeting was attended by around 200 security guards and soldiers from various sectors of the Northwest Zone.<sup>1040</sup> When asked whether **Yim Tith** was referring to the Vietnamese army or civilians, the witness responded that he did not understand against whom **Yim Tith** spoke at the time.<sup>1041</sup> However, later the witness claims that people were arrested and taken away by Southwest Zone cadres because they had been accused of having “*Yuon connections*”, “*had Vietnamese or Chinese relations or they were related to the Vietnamese by blood, ethnicity, origin, or descent, because they spoke broken Khmer*”.<sup>1042</sup>
396. **Yim Tith** was also present at another meeting “*about the purges of the Vietnamese spies*” held around mid-1978 at Battambang University that was chaired by Ta Mok. The witness, who was appointed Secretary of Bavel District (Sector 3) by Ta Mok to

<sup>1036</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3-A5.

<sup>1037</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061169, A5.

<sup>1038</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A11; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707-01067709, A68-A69, A79; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969643, A37. See *Yim Tith’s appointment to positions in the Northwest Zone around June 1978*, para. 362.

<sup>1039</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A17-A18, ERN 00976925, A22; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207431, A10, ERN 01207436, A40, ERN 01207440, A62, A64, ERN 01207441, A69.

<sup>1040</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976925, A24; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207437, A42-A43, A47.

<sup>1041</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207441, A71.

<sup>1042</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207442-01207443, A75-A76, A79-A80, A82, A85-A87, ERN 01207451, A129-A130; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976925, A19, ERN 00976928-00976929, A47-A54.



“do this job”,<sup>1043</sup> recalls the meeting was attended by 30 cadres, including those at the sector and district level, such as **Yim Tith**, Ta An, and Yeay Rim.<sup>1044</sup>

397. From mid-to-late 1978, **Yim Tith** presided over several meetings in Baydamram Commune, Sangkae District.<sup>1045</sup> During these meetings, **Yim Tith** emphasised the threat posed by the Vietnamese, including those connected to the Vietnamese and their “burrowing” agents, and warned the attending unit chiefs, militiamen, and ordinary civilians against collaborating with the Vietnamese.<sup>1046</sup> At one of these meetings, **Yim Tith** commanded “*Brothers and sisters! Do not join hands with the Yuon. Work together with the Southwest cadres*”,<sup>1047</sup> and he spoke about the need to execute anyone who could speak Vietnamese or was connected with “*Vietnamese blood*”.<sup>1048</sup> According to the witness, the purpose of this entire six hour meeting was for **Yim Tith** to speak about the Vietnamese and those connected to them.<sup>1049</sup> At one of these meetings, **Yim Tith** described the Northwest Zone cadres as having “*Khmer bodies with Vietnamese heads*”, an expression often used to refer to the Khmer Krom, and announced that the cadres were killed due to their links with the Vietnamese.<sup>1050</sup> Around that time or soon later, in October to November 1978, **Yim Tith**’s direct subordinate, Ta Nim, was arresting and killing people in the neighbouring Chaeng

<sup>1043</sup> **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111827, A5-A6, ERN 01111828, A14, ERN 01111830, A36, ERN 01111830-01111831, A41; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517474-01517476, A5-A6, A12, A35-A36.

<sup>1044</sup> **D219/294**, Written Record of Interview of Witness Moul Eng, 4 May 2015, ERN 01111832, A55-A57, ERN 01111834, A68, A70-A71; **D219/900**, Written Record of Interview of Witness Moul En, 18 January 2017, ERN 01517476-01517477, A35-A40, ERN 01517482, A108.

<sup>1045</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009704056-009704057, A24, A29-A30; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451712, A15-A18, ERN 01451714, A34, ERN 01451717, A59, A61-A64, ERN 01451718, A73-A74; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722, A87-A90, ERN 01117723, A93-A94, ERN 01117726, A114, A116; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128724, A126-A127.

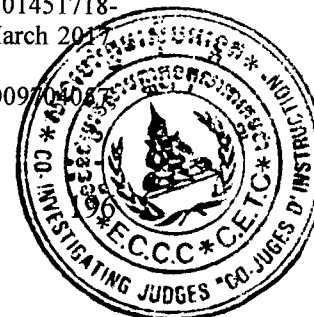
<sup>1046</sup> **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178471-01178474, A2-A4, A11-A14, A19-A21, ERN 01178476-01178477, A36-A39; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90, A93-A95; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451717-01451719, A67-A72, A75, A82-A84; **D219/954**, Written Record of Interview of Witness Chhoeung Chhoeurt, 18 March 2017, ERN 01451517-01451518, A1, A7-A8, A13-A14.

<sup>1047</sup> **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451717, A67-A69, ERN 01451719, A82-A84; **D219/954**, Written Record of Interview of Witness Chhoeung Chhoeurt, 18 March 2017, ERN 01451518, A7-A8.

<sup>1048</sup> **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451718, A70-A72, A75, A82-A84.

<sup>1049</sup> **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451718-01451719, A70-A72; **D219/954**, Written Record of Interview of Witness Chhoeung Chhoeurt, 18 March 2017, ERN 01451517, A1, ERN 01451518, A7.

<sup>1050</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009704056-009704057, A24, A29-A30.



Mean Chey Commune in Sangkae District, on the accusation of being “*Yuon*” or otherwise linked to the Vietnamese.<sup>1051</sup>

### 5.3.5 *Yim Tith’s conduct and contribution to the JCE in the Northwest Zone*

#### 5.3.5.1 *Establishment and operation of cooperatives and worksites*

398. **Yim Tith** and Ta Mok played a central role in implementing the CPK’s economic and agricultural policies in the Northwest Zone, which aimed to increase DK’s national production through the establishment of worksites and cooperatives. **Yim Tith** oversaw production and construction in areas under his control, inspected worksites, presided over meetings and gave speeches about agricultural production, trained work unit chiefs, and instructed the workforce to work hard in order to achieve CPK goals.

399. **Yim Tith**’s tenure in the Northwest Zone was characterised by deteriorating working conditions, insufficient food, inadequate health care and a severe disciplinary regime.<sup>1052</sup>

#### *Inspections*

400. **Yim Tith** involvement in the establishment and administration of worksites and cooperatives in the Northwest Zone began as early as 1976, when he began to periodically travel from the Southwest Zone to the Northwest Zone, where he would visit worksites and cooperatives.<sup>1053</sup> Often accompanying Ta Mok, **Yim Tith** travelled throughout the Northwest Zone to inspect cooperatives and worksites and evaluate their progress. Northwest Zone cadres Ta Chet, Ta Vanh, and Ta Paet sometimes also joined

<sup>1051</sup> **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097410, A32, ERN 01097412, A62-A78; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A14-A15.

<sup>1052</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A74; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117726-01117730, A117, A123-A125, A127, A136-A137, A139, A141; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128723-01128725, A124; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178494-01178495, A138; **D219/9**, Written Record of Interview of Witness Khun Samoeun, 16 September 2014, ERN 01047799, A28-A29. See *Establishment and operation of cooperatives and worksites*, para. 285; *Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)*, paras 613-616; *Kang Hort Dam Worksite*, paras 670-675.

<sup>1053</sup> **D219/19**, Written Record of Interview of Witness Sann Lorn, 29 September 2014, ERN 01050428-01050429, A774-A780; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976618-00976619, A27-A34; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337035-01337036, A141, A146-A149.



**Yim Tith** during these inspections, following meetings.<sup>1054</sup> There is evidence that **Yim Tith** conducted the following inspections:

- i. In mid-1976, **Yim Tith**, Ta Mok, Ta Vanh, Ta Chet and 30 other Northwest Zone platoon and company leaders inspected Kang Hort Dam, attended a large study session, and later visited a number of factories, schools, hospitals and construction sites in Battambang Town.<sup>1055</sup> In mid-1977, **Yim Tith** inspected the worksite and attended a meeting with Ta Sou, the worksite chairperson.<sup>1056</sup> **Yim Tith** inspected the sluices at the dam in April or May 1978, accompanied by Ta Paet, the Sector 1 Secretary. Furthermore, from mid-1978, **Yim Tith** visited the worksite approximately twice per month to inspect the work of the mobile units and to assess whether tasks had been completed.<sup>1057</sup>
- ii. In 1976 or 1977, **Yim Tith** inspected the progress of dam construction and rice production at Tuol Mtes Worksite in Thipakdei Cooperative, Sector 1.<sup>1058</sup>
- iii. **Yim Tith** inspected rice fields and other crops in Bavel District, Sector 3, in September or October 1978.<sup>1059</sup>

<sup>1054</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337028, A81, ERN 01337035-01337036, A139, A141-A142, A146-A149; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456265-01456267, A11, A13-A16, A22, A24-A30, A38; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502685, A3-A5, ERN 01502687-01502689, A35-A38, A50, A54, A58, A60-A61, A65-A66; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517549, A6-A8, ERN 01517551, A23-A24; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719, A84-A90, ERN 01128722-01128723, A112, A121.

<sup>1055</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337026, A65-A71, ERN 01337028, A81, ERN 01337035-01337036, A139, A142-A144; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456265-01456267, A13-A18, A20, A22, A24-A30, ERN 01456269-01456270, A55-A57, A59-A63; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502684-01502689, A3-A5, A9, A11-A12, A15-A22, A24-A26, A29-A30, A35-A38, A48, A50, A54, A58, A60-A61, A65-A67; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517549, A6-A8, ERN 01517551, A23-A24.

<sup>1056</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050673-01050674, A31-A36, A39-A44; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092951, A2-A3, A5, A7, A10, A13.

<sup>1057</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719-011287120, A84-A99, ERN 01128722-01128723, A112, A121; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067706-01067710, A58-A61, A67-A65, A78-A79, A85, A87-A90, ERN 01067718, A143-A145, ERN 01067723, A181. *See also* **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117716-01117717, A16-A17, A19, A24, ERN 01117726, A114; **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522, A44-A45; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092932, A17.

<sup>1058</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337035-01337036, A139, A141-A142, A146-A149.





401. Huy Krim, a former worker based in Moung Ruessei District, states that, in 1977, militiamen who he met at Ream Kun near Thoamayuth Pagoda showed him an article in a “*Democratic Kampuchea magazine*”, with a photograph of **Yim Tith**, discussing his visits to railroads and construction projects, including the Ream Kun Water Basin project. Furthermore, the witness attended a meeting in Ream Kun Village, Moung Ruessei District, where he watched a CPK film documenting **Yim Tith** inspecting various worksites including Ream Kun Water Basin and the Sector 3 project at the Kamping Puoy Water Basin. The witness states that he watched the film at the end of 1976 after the completion of the Ream Kun Basin project and before the arrival of the Southwest Zone cadres.<sup>1060</sup> However, according to Theam Robieb, who worked at the Kamping Puoy worksite and was also featured in the film, the film was most likely shot in late 1977 or 1978.<sup>1061</sup> Furthermore, Im An, a former village chief of Krapeu Cheung Village Phnom Sampeou sub-District, Banan District, states that the Kamping Puoy Worksite began construction in early 1977 and was completed in late 1977.<sup>1062</sup> Therefore it is likely **Yim Tith** visited the Kamping Puoy Worksite in 1977 rather than 1976, and that the witness is merely mistaken about the date.

*Meetings, speeches, and training*

402. **Yim Tith** presided over meetings and study sessions at worksites, giving speeches and instructions, and training lower level cadres on construction and agriculture.<sup>1063</sup> His instructions were disseminated to the lower echelons.<sup>1064</sup>

<sup>1059</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111830-01111831, A41, ERN 01111834, A75-A82.

<sup>1060</sup> **D105/4**, Written Record of Interview of Witness Huy Krim, 16 February 2012, ERN 00787164, A7; **D118/75**, Written Record of Interview of Witness Huy Krim, 20 June 2013, ERN 00976613-00976614, A3, A5, ERN 00976618-00976619, A27-A34. *See also* **D219/421**, Written Record of Interview of Witness Tea Nguon, 21 July 2015, ERN 01135109, A13; **D219/667**, Written Record of Interview of Witness Hun Moeun, 28 January 2016, ERN 01204500, A35.

<sup>1061</sup> **D219/914**, Written Record of Interview of Civil Party Applicant Theam Robieb, 1 February 2017, ERN 01517537-01517539, A25-A26, A39-A43.

<sup>1062</sup> **D6.1.165**, Written Record of Interview of Witness Im An, 17 June 2008, ERN 002741658-00274160. *See also* **D219/784**, Written Record of Interview of Witness Mom Krath, 23 June 2016, ERN 01485068-01485069, A49.

<sup>1063</sup> **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213451, A47-A58; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A73; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2013, ERN 00976973-00976974, A24-A28; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974995-00974996, A19-A26, ERN 00974999, A53; **D219/534**, Written Record of Interview of Witness Yan Yaun, 1 October 2015, ERN 01172535-01172536, A17-A21; **D219/416**, Written Record of Interview of Witness Lon Kung, 12 July 2015, ERN 01135076, A11-A12; **D219/627**, Written Record of Interview of Witness Loeh Eng, 10 December 2015, ERN 01187740, A8, ERN 01187742-01187743, A20-A22, A29; **D219/515**, Written Record of Interview of Witness Loeh Eng, 10 December 2015, ERN 01187740, A8, ERN 01187742-01187743, A20-A22, A29; **D219/515**, Written Record of Interview of Witness Loeh Eng, 10 December 2015, ERN 01187740, A8, ERN 01187742-01187743, A20-A22, A29.



403. According to Sao Chobb, a former platoon chief in Koas Krala District, in mid-1976 **Yim Tith** and Ta Mok along with a large number of cadres with leadership positions from all sectors throughout the Northwest Zone attended a three-day study session at Kang Hort Dam, presided over by then Sector 1 Secretary Ta Vanh. Ta Mok, **Yim Tith**, and Northwest Zone Committee Member Ta Paet served as “trainers”, gave presentations on agricultural achievements in each sector, and shared their experiences regarding best agricultural practices.<sup>1065</sup> On the occasion of the study session, **Yim Tith** and Ta Mok inspected the worksite and gave instructions on how to improve the implementation of the work plan.<sup>1066</sup>
404. Lek Phiev, a former Ka Kaoh Cooperative Deputy Chief in Sector 1 (and former Thipakdei Cooperative Secretary), states that following **Yim Tith**’s appointment as Sector 1 Secretary in mid-1978, **Yim Tith** presided over regular meetings attended by representatives from all nine cooperatives in Koas Krala District. These meetings were convened every 10 days and held at an office located at the Kang Hort Dam Worksite or, sometimes, at Prey Tauch. Previously these meetings were chaired by Ta Paet (former Sector 1 Secretary and **Yim Tith**’s predecessor) and Ta Yoeun (Koas Krala District Secretary) until they were removed from their positions. At these meetings, **Yim Tith** spoke about CPK policies related to agriculture and “*strengthening the spirit*

of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156943-01156945, A27, A30-A35; **D219/943**, Written Record of Interview of Witness Lorm Len, 14 March 2017, ERN 01523946, A29-A36; **D219/416**, Written Record of Interview of Witness Lies Kung, 12 July 2015, ERN 01135071-01135073, A1, ERN 01135076-01135077, A11-A12. See also **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117729, A131; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969640, A17, ERN 00969644, A43; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364085, A120-A124; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A2-A5; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451712, A15-A23.

<sup>1064</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066774-01066775, A57-A64, ERN 01066783, A118-A119; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111834-01111838, A75-A82, A97-A99, A109, ERN 01111843-01111844, A161-A162, A174-A175, ERN 01111846, A200-A203; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088584, A121-A122, A125-A127; **D101/1.1**, Written Record of Interview of Witness Por Bandeth, 2 September 2011, ERN 00746366; **D219/181**, Written Record of Interview of Witness Por Bandeth, 16 February 2015, ERN 01077043, A38; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139591-01139592, A44.

<sup>1065</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337018-013370121, A7-A8, A16-A17, A27-A28, ERN 01337024, A50-A51, ERN 01337026, A65-A70; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456265-01456266, A13-A18, A20, A22, A24-A36, ERN 01456269-01456270, A55-A57, A59-A63; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502685-01502688, A3-A5, A9, A11, A15-A22, A24-A26, A29-A30, A37-A38, A48, ERN 01502690, A67.

<sup>1066</sup> **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502688, A41-A43; ERN 01502688-01502689, A50, A54, A58, A60-A61; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517549, A4-A8, ERN 01517551, A23-A24.



of the people".<sup>1067</sup> The same witness attended a three-day study session on agricultural production in Thipakdei Cooperative presided over by **Yim Tith** and Ta Paet. The meeting was also attended by other cooperative chairpersons, including Ta Son who had replaced the witness as Thipadkei Cooperative chief. Although the witness recalls that it took place in late 1978, Ta Paet's presence means that it must have taken place prior to Ta Paet's arrest around August 1978.<sup>1068</sup>

405. **Yim Tith** spoke at numerous other meetings where he exhorted CPK economic policy and provided instructions on dam and canal construction, and other agricultural and labour practices:

- i. In 1976, **Yim Tith** presided over a meeting in Svay Bei Daeum, Banan District, where he gave instructions on canal construction.<sup>1069</sup>
- ii. After Ta Vanh's arrest in mid-1977<sup>1070</sup> and, based on a cadre called Prum's attendance at the assembly, prior to Prum's arrest in October 1977, witness Tiep Tith was at a meeting at Kang Hort Dam Worksite attended by all the district mobile units in Sector 1, where **Yim Tith** spoke about work plans and dam and canal construction and gave his impressions of the worksite.<sup>1071</sup>
- iii. In 1977 or 1978, **Yim Tith** attended a meeting at Kouk Ampil where he talked about increasing "*agricultural productivity for Angkar*" and "*encouraged the people to work hard*".<sup>1072</sup>
- iv. At a meeting in mid-1978 at Wat Phnom Sampoeu, Sector 3, **Yim Tith** addressed a crowd of approximately 100 cadres from the unit level to the district level from

<sup>1067</sup> **D219/210**, Written Record of Interview of Witness Lek Phiv, 4 March 2015, ERN 01088522-01088523, A4-A8; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092932, A17; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111809, A24.

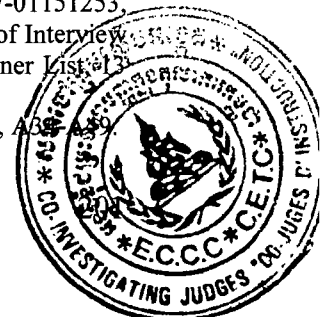
<sup>1068</sup> **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111811, A35.

<sup>1069</sup> **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213451-01213449, A47-A58.

<sup>1070</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222369 (No. 913, Chea Huon alias Vanh, Secretary of Sector 1 – Entry into S-21 20 June 1977); **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151245-01151246, A3-A5, A7-A12, ERN 01151249-01151251, A33-A45; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092-00970094, A2, A6, A9-A11.

<sup>1071</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970098, A34-A37, A39; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151247-01151253, A23-A30, A33-A45, A55-A56, A59-A60. See Regarding Prum's arrest: D219/465, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139579, A5; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222575, n. 6273.

<sup>1072</sup> **D118/76**, Written Record of Interview of Witness Chuch Punlork, 21 June 2013, ERN 00976628, A33-A34.



both Sectors 1 and 3. He gave a presentation on rice production and crop diversification and exhorted the audience to produce between three to four tons of rice per hectare.<sup>1073</sup>

- v. During at least one study session in Battambang Provincial Town, between mid-1978 and before the end of DK attended by 20-30 Northwest and Southwest Zone cadres, **Yim Tith** gave a presentation on dam and canal construction, rice paddy irrigation techniques, and exhorted the audience to work harder in order to develop the country rapidly.<sup>1074</sup>
- vi. In April or May 1978, **Yim Tith** presided over a meeting at Tuol Mtes attended by approximately 50 people and encouraged them to strive hard to produce more rice.<sup>1075</sup>
- vii. During a meeting in August or September 1978 in Boeng Kthum Cooperative, Banan District, Sector 1, **Yim Tith** gave a presentation on “*the objectives of his leadership*” and talked about issues relating to cultivation. In another meeting held in September or October 1978 at Wat Bay Damram, Banan District, Sector 1, **Yim Tith** ordered the gathered unit chiefs and workers to pay attention to cultivation.<sup>1076</sup>
- viii. In 1978, Ta Mok and **Yim Tith** presided over several meetings at Ta Mok’s house in Battambang where they instructed hundreds of cadres from the sector, district and commune level to “*manage our work smoothly, unite all of us and try to construct and develop the country*”.<sup>1077</sup>

<sup>1073</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029378, A4, ERN 01029380-01029382, A12, A16-A18; **D118/299**, Written Record of Interview of Witness Chuon Than, 4 September 2014, ERN 01044754, A11, A13, ERN 01044756-01044757, A22-A25.

<sup>1074</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067711-01067712, A92-A100, ERN 01067717, A136-A138.

<sup>1075</sup> **D219/943**, Written Record of Interview of Witness Lorm Len, 14 March 2017, ERN 01523944, A11, ERN 01523946, A29-A36.

<sup>1076</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90, A93-A95, ERN 01117731, A144; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14, ERN 01178476-01178477, A36-A38.

<sup>1077</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683-01044684, A55-A56; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860-01111861, A13-A22; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432951, A33-A34, ERN 01432958-01432966, A77, A79-A96, A98-A99, A104-A110, A113, A114, A130.



*Discipline*

406. **Yim Tith** contributed to the enforcement of strict discipline for workers, particularly at Kang Hort Dam.
407. A former mobile unit worker based at Kang Hort Dam Worksite for two months around mid-1977 describes how his unit chief warned the workers not to stop working when **Yim Tith** would visit, because those seen not working would be accused of being “*lazy*” and would be taken away. During a meeting at the worksite, the witness recalls **Yim Tith** and Ta Sou (the Kang Hort Dam Worksite Chairperson) warning the workers that “*anyone who cannot keep up with the wheel of history will not be kept*”. The witness states that he began working at the worksite in July 1977; however, any meeting where **Yim Tith** and Ta Sou presided must have occurred prior to Ta Sou’s entry to S-21 on 23 June 1977.<sup>1078</sup> Hence, the witness must be mistaken about the month of his own assignment to the dam. The witness states that “*if we saw Ta Tith during [the] daytime, people would disappear that night*”. Many people from the mobile units disappeared. Unit chiefs reported individuals who were “*lazy*” or were “*dishonest with Angkar*”, and then at night soldiers would arrest one to three people who were never seen again.<sup>1079</sup>
408. According to a former mobile unit chairperson at Kang Hort Dam, during **Yim Tith**’s frequent visits to the worksite in mid-1978, he met with Ye, a Southwest Zone cadre who was Regiment Chairperson and responsible for approximately 700-800 mobile unit workers. Directly after those meetings, Ye instructed the witness to work harder and ordered him to be vigilant about enemy activities. Ye declared “*that if a person was frequently sick [or lazy], we had to consider that as enemy activity*”. The witness was

<sup>1078</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222421 (No. 2180, Khek Pin alias Sou, Committee Chief of Cambodia Thailand Border Relationship before work as Deputy Secretary of Sector 4 – Entry into S-21 13 June 1977); **D6.1.1013**, Report on the Arrest of Khek Pen alias Sou, 26 July 1977, ERN 00174021 (KH); **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050671-01050674, A23-A24, A31-A37, A39-A40; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092952, A2-A3, A5-A7, A10.

<sup>1079</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050672, A25, ERN 01050674-01050675, A41-A44; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092950-01092952, A4-A5, A13-A14.



required to identify and report such persons to the upper echelons so that they could be re-educated.<sup>1080</sup>

*General oversight of workforce*

409. Following his formal appointment in the Northwest Zone, **Yim Tith** kept abreast of production and working conditions in the sectors under his control through the regular CPK reporting structure, and he exercised control over cooperatives and worksites through the regular CPK chain of command, as orders were transmitted from him to the lower echelons, who in turn reported back up the hierarchy.<sup>1081</sup> As Sector 1 Secretary, **Yim Tith** managed the distribution of supplies and equipment within the sector.<sup>1082</sup> It stands to reason on a balance of probabilities, although there is no direct evidence for this outside Sector 1, that he would also have done so in all other sectors where he was secretary.
410. Muol Eng, the former Bavel District Secretary (Sector 3), received written orders from **Yim Tith** for the district to produce three tons of rice per hectare. These orders were then disseminated to the commune and village cadres. The witness reported to **Yim Tith** on a weekly or monthly basis via messengers on “*rice production and output or issues arising in relation to other crops*” as well as conditions in the cooperatives. The witness gathered this information from commune chiefs in the district. These communications continued until December 1978.<sup>1083</sup>
411. According to Nop Ngim, former Samlaut District Deputy Secretary (Sector 1), **Yim Tith** instructed her to report on the “*total number of people [in the District], the total number of sick people, and whether the people had enough clothes and food. [She] was also instructed by him [to report] whenever the people in the district had conflicts and*

<sup>1080</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067701-01067702, A17-A20, A31, ERN 01067707-01067709, A67-A75, A78-A80, A87-A90, ERN 01067713-01067715, A108-A126, ERN 01067718-01067720, A143-A156, ERN 01067723, A181.

<sup>1081</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066774-01066775, A57-A64, ERN 01066783, A118-A119; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111834-01111838, A75-A82, A97-A99, A109, ERN 01111843-01111844, A161-A162, A174-A175, ERN 01111846, A200-A203; **D219/222**, Written Record of Interview of Witness Touch Seng, 11 March 2015, ERN 01088584, A121-A122, A125-A127; **D101/1.1**, Written Record of Interview of Witness Por Bandeth, 2 September 2011, ERN 00746366; **D219/181**, Written Record of Interview of Witness Por Bandeth, 16 February 2015, ERN 01077043, A38; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139591-01139592, A44.

<sup>1082</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053914, A63.

<sup>1083</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111830-01111831, ERN 01111834-01111838, A75-A82, A97-A99, A109, ERN 01111843-01111844, A161-A162, A174, ERN 01111846, A200-A203.



when they did, the district had to instruct them to cease having further conflicts".<sup>1084</sup>  
Other district committees in Sector 1 were instructed to do the same.<sup>1085</sup>

### 5.3.5.2 The purge of the Northwest Zone and the targeting of specific groups

412. The Southwest Zone cadres led by Ta Mok and **Yim Tith** began orchestrating the purge of the Northwest Zone during the course of 1976 and continued to do so until the collapse of DK in January 1979.<sup>1086</sup>

#### *Yim Tith's contribution to the JCE prior to his formal appointment in the Northwest Zone in mid-1978*

413. **Yim Tith's** earliest known involvement in the purge of the Northwest Zone is recounted by witness Sao Chobb, a former platoon chief billeted in Koas Krala District. He describes how **Yim Tith** and Ta Mok presided over four or five monthly meetings over the first half of 1977 at Koas Krala District Office. The witness attended these meetings along with the leaders of the Koas Krala District military, namely An (commander), Pak (deputy), and Thach (member). The meetings lasted approximately two to three hours, and were focused on the search for Vietnamese and CIA agents.<sup>1087</sup> Following the meetings, the witness observed members of the Koas Krala District military carry out arrests and killings.<sup>1088</sup> Specifically, he saw An, Pak, and Thach arrest and kill those who were accused of being enemies at a place called Chheav located to the south of Thipakdei Mountain, although this is not charged as a crime site, and estimates that over a thousand persons including "new people" were killed at this

<sup>1084</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044678, A31, ERN 01044681-01044682, A44, ERN 01044685, A63, A65; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111859.

<sup>1085</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044690, A92.

<sup>1086</sup> See *Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, para. 295.

<sup>1087</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337018, A7-A8, ERN 01337019, A16-A17, ERN 01337020-01337021, A27-A28, ERN 01337024, A50-A51, ERN 01337026, A65-A71, ERN 01337028, A79, A81, ERN 01337031-01337032, A104-A118, ERN 01337033-01337034, A120-A124, A126-A135, ERN 01337035, A138-A140, A142, ERN 01337036, A144; **D219/956**, Written Record of Interview of Witness Sao Chobb, 21 March 2017, ERN 01456267, A39, ERN 01456268, A51; **D219/980**, Written Record of Interview of Witness Sao Chabb, 26 April 2017, ERN 01517544, A9-A15, ERN 01517546, A23, A26; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502687, A24-A26, A30; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517552, A33-A34, ERN 01517553, A37-A38, A40-A47; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519556, A3-A7, ERN 01519557-01519559, A10-A11, A13-A14, A16-A25, ERN 01519561, A31, ERN 01519563, A44-A47. See also **D219/984**, Written Record of Interview of Witness Sao Chabb, 4 May 2017, ERN 01517558, A8-A10.

<sup>1088</sup> **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517552, A29; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519561, A33-A34; **D219/984**, Written Record of Interview of Witness Sao Chabb, 4 May 2017, ERN 01519562, A36-A40, ERN 01519563, A42.



location.<sup>1089</sup> The witness was told by An that it was **Yim Tith** who assigned him to carry out the killings.<sup>1090</sup>

414. The witness also states that he once observed Ta Mok and **Yim Tith** inspect a security centre in Koas Krala following a meeting held at the Koas Krala District Office (as this occurred prior to mid-1978 it was before the charged site Koas Krala Security Centre was established<sup>1091</sup> and must therefore have been a different security centre), as well as a security centre in Chak Kakoh in Sector 4, when he was working at a rice paddy nearby.<sup>1092</sup>
415. Sok Cheat, the nephew of former Sector 1 Secretary Ta Paet, states that after **Yim Tith**'s arrival in Sector 1 in mid-1977, "*the killings became more intense in Sector 1 ... many people disappeared*". He states that "*all types of people were taken to be killed, even babies. There were no exceptions ... no one could escape*".<sup>1093</sup> Under **Yim Tith**'s tenure, zone and sector level cadres including Ta Vanh, the Sector 1 Secretary preceding Ta Paet, and later the witness' uncle Ta Paet along with Northwest Zone Secretary Ta Nhim and their networks, were systematically arrested and, in many cases, killed.<sup>1094</sup> According to the S-21 Prison List, Ta Vanh entered Tuol Sleng on 20 June 1977.<sup>1095</sup>
416. In late 1977, the witness attended a meeting at Banan Pagoda presided over by **Yim Tith**, who exhorted the hundreds of people in the audience, who had come from the

<sup>1089</sup> **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517552, A31-A34, ERN 01517553, A37-A38, A40-A47; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519558, A14-A17, ERN 01519561, A33-A34, ERN 01519562, A36-A41.

<sup>1090</sup> **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517552, A26-A30; **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519563, A42. *See also* **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337032, A110.

<sup>1091</sup> *See Koas Krala Security Centre*, para. 586.

<sup>1092</sup> **D219/983**, Written Record of Interview of Witness Sao Chabb, 29 April 2017, ERN 01519558, A19, A24-A25, ERN 01519563-01519565, A47-A58, ERN 01519566, A61. *See also* **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517551, A19.

<sup>1093</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244, A17, A20, ERN 01216256-01216257 A105-A107; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207505-01207506, A5-A6, ERN 01207519, A75, ERN 01207520, A78.

<sup>1094</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207511, A36, ERN 01207517, A69, ERN 01207518, A73, ERN 01207519, A75, ERN 01207520, A78; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A7-A10, ERN 01216244, A17-A20, ERN 01216245, A24-A25, ERN 01216254-01216255, A92.

<sup>1095</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222369, n. 913.





district committee, mobile unit representatives, and youth representatives, to follow *Angkar's* orders.<sup>1096</sup>

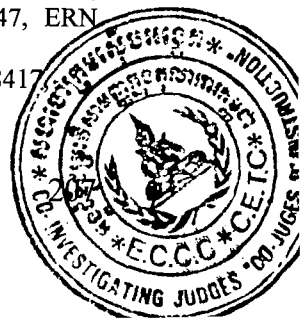
417. In August 1977, the same witness was appointed to supervise a sector mobile unit in Tuol Mtes. He describes attending “*daily livelihood meetings*” where he was responsible for reporting on the number of sick workers and daily work achievements to his superior, Comrade Khen (a Northwest Zone cadre who reported directly to **Yim Tith**). The witness states that “*once every two or three days*”, shortly after the daily livelihood meeting, Khen would order militiamen to arrest “*around 10 people ... for re-education*”; these individuals were accused of being enemies because they had broken tools or made small complaints, and they subsequently disappeared. The witness states that he was responsible for preparing the lists of people selected for re-education, he also states that he was ordered by his commanders not to record on his written reports those who were taken for re-education. When Khen told the witness that “*new Angkar had come to take control*”, the witness assumed this meant **Yim Tith**. The witness does not state when the meetings took place, however it is likely that they occurred between late August 1977 to August 1978, as that is when he was stationed at Tuol Mtes, and the witness states that the meetings and subsequent arrests occurred after **Yim Tith** presided over the meeting at Banan Pagoda in late 1977.<sup>1097</sup>

418. Huon Choeum, a former Northwest Zone cadre, heard from a zone soldier that **Yim Tith** summoned two battalion chairmen in charge of the Kampong Kol Sugar Factory for re-education in Battambang, and upon their arrival they were immediately arrested and replaced by Yan, a Southwest Zone cadre.<sup>1098</sup> This witness does not state when this incident occurred or when he heard about it. Nevertheless, several witnesses state that Yan was appointed shortly after the Northwest Zone cadres who governed the site were

<sup>1096</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519, A75-A76; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216247-01216248, A40-A56.

<sup>1097</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506-01207507, A8-A14, ERN 01207509-01207513, A31-A33, A35, A37-A47, ERN 01207516, A63-A65, ERN 01207519, A75-A76; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4, ERN 01216245, A21-A23, ERN 01216246, A29, ERN 01216247-01216248, A35, A40-A47, ERN 01216249, A57, ERN 01216253, A82, A84, A86, ERN 01216254, A90.

<sup>1098</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978417, A2, ERN 00978419-00978420, A12, A18.



removed in late 1977, so it is very likely that the two battalion chairmen were arrested at the same time.<sup>1099</sup>

*Yim Tith's contribution to the JCE after his formal appointment in the Northwest Zone in mid-1978*

419. Upon his formal appointment in the Northwest Zone in June 1978, **Yim Tith** announced that he had arrived to replace the Northwest Zone cadres because they were traitors and affiliated with the Vietnamese.<sup>1100</sup> During a meeting approximately three months before the end of DK at Baydamram Commune, located in or around Sangkae District in Sector 1, **Yim Tith** stated that he and his fellow Southwest Zone cadres had killed the Northwest Zone cadres because they had "*Khmer bodies with Vietnamese heads*".<sup>1101</sup> At a meeting near Kang Hort Dam, attended by thousands of mobile unit workers and organised by **Yim Tith**, it was publicly announced that "*Ta Kao had been arrested and taken to be killed at Mong Chen. Ta Pet was arrested too*".<sup>1102</sup> Although the witness states that this meeting took place in late 1977, Ta Paet was arrested around August 1978, therefore the meeting must have taken place after then, and the witness is mistaken about the date.<sup>1103</sup>
420. From mid-1978, **Yim Tith** travelled throughout the Northwest Zone and presided over meetings, ordering hundreds of subordinate cadres from the unit to sector levels and large groups of ordinary people to maintain vigilance against enemy activities at the bases and to report enemies to the upper echelons so that they could be re-educated or "*smashed*".<sup>1104</sup> Enemy activities included betraying the regime, committing a serious

<sup>1099</sup> See *Kampong Kol Sugar Factory Worksite*, para. 739.

<sup>1100</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924, A18, ERN 00976927, A37, A41; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969639-00969640, A13-A14, ERN 00969644, A40. See also **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009700451, A1, ERN 00970456-00970457, A29-A30.

<sup>1101</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1, ERN 009700455-009700456, A24-A25, A29-A30.

<sup>1102</sup> **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574-01173575, A14-A15, A17-A19, ERN 01173578, A30, A32-A33, ERN 01173579, A34, ERN 01173580, A44, ERN 01173581, A48-A49.

<sup>1103</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969643, A37. See also *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 362.

<sup>1104</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029378, A4, ERN 01029379, A7-A8, ERN 01029380, A12, ERN 01029381-01029382, A16-A17; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067701, A19-A20, A24, ERN 01067707, 01067708, A67-A75, ERN 01067709, A78-A79, ERN 01067710, A89-A90, ERN 01067711-01067712, A100, ERN 01067718-01067719, A143-A148; **D219/85**, Written Record of Interview of Witness Vy Phann, November 2014, ERN 01061168-01061169, A3; **D219/763**, Written Record of Interview of Witness Sao Chroa,



mistake, moral misconduct, and theft.<sup>1105</sup> **Yim Tith** warned audiences about internal enemies “*burrowing*” from within, along with external enemies, especially the Vietnamese/“*Yuon*”, the CIA and the KGB.<sup>1106</sup> These warnings were later disseminated by the district secretaries to the lower echelons.<sup>1107</sup> **Yim Tith** issued these orders and warnings at the following meetings:

- i. In 1978, Ta Mok and **Yim Tith** presided over several meetings in Samlaut District, where they instructed hundreds of cadres from the sector, district and commune level to be vigilant for enemies hiding in their units and to report to the upper echelons if people had committed mistakes or moral misconduct. The cadres were instructed to re-educate individuals identified as “*enemies*”. If they did not reform, they were to be imprisoned or killed. Ta Mok and **Yim Tith** also made it clear to their subordinates that they must “*smash any enemy that opposed Angkar ... meaning that enemy must be killed*”.<sup>1108</sup>

17 May 2016, ERN 01337018, A7-A8, ERN 01337019, A16-A17, ERN 01337020-01337021, A27-A28, ERN 01337024, A50-A51, ERN 01337026, A65-A71, ERN 01337028, A79, ERN 01337031-01337032, A104-A118, ERN 01337033-01337034, A120-A124. *See also* **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924-00976925, A18-A22.

<sup>1105</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111861, A19-A22; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3, ERN 01061170, A7; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337018, A7-A8, ERN 01337024, A50-A51, ERN 01337026, A65-A71, ERN 01337028, A79, ERN 01337031-01337032, A104-A118, ERN 01337033-01337034, A120-A124; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506-01207507, A8-A14, ERN 01207509-01207511, A31-A33, A35; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A16-A17; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14, ERN 01178476-01178477, A36-A38, ERN 01178486-01178488, A101-A111.

<sup>1106</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924-00976925, A18-A22, A24; **D20**, Written Record of Interview of Witness Han Thy, 21 May 2011, ERN 00710286-00710288; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950728, A22; **D219/894**, Written Record of Interview of Witness Kao Porn, 14 January 2017, ERN 01412968, A29, A34-A40, ERN 01412969, A43-A44, A46-A48; **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A2-A5; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451714, A35, ERN 01451716, A56, ERN 01451717-01451718, A63-A64, A67-A77, A82, ERN 01451719, A84-A85; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574, A14, ERN 01173581-01173582, A49-A51, ERN 01173585-01173586, A69-A71, ERN 01173587-01173588, A79-A81. *See also* **D105/8**, Written Record of Interview of Witness Han Thy, 20 March 2012, ERN 00803455, A7, ERN 00803456, A13-A20, ERN 00803457, A27.

<sup>1107</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A29, ERN 01066783, A118-A123.

<sup>1108</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044674-01044675, A4, A7-A8, ERN 01044677-01044678, A25-A32, ERN 01044680, A38, ERN 01044681, A41, ERN 01044682, A48, ERN 01044683-01044684, A52, A55-A56, A59, ERN 01044685-01044685, A65, A68, ERN 01044689, A86, ERN 01044690, A92; **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111859, A4, ERN 01111860-01111861, A13-A22, ERN 01111863, A33; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432949, A19, ERN 01432951, A33-



- ii. At a meeting in mid-1978 at Wat Phnom Sampeou, Sector 3, **Yim Tith** addressed approximately 100 cadres, from the unit level up to the district level from both Sector 1 and Sector 3, instructing those in attendance to identify and report the enemies to the upper echelons so that they could be “*smashed*”.<sup>1109</sup>
- iii. In a meeting held prior to Ta Paet’s arrest in August 1978 at Kang Hort Dam worksite, **Yim Tith** told a crowd of 700-800 people that the enemy, including the “*Yvon, CIA and [the] KGB*”, were hiding among the people and “*burrowing inside*” the movement, and that anyone with information about these enemies had to report them to the upper echelon so that they could be “*smashed*”.<sup>1110</sup> At the same meeting, a Southwest Zone cadre, who controlled seven communes in Sector 3, reported to **Yim Tith** and other sector level cadres that he had instructed village and unit chairpersons under his command to capture and kill people who were committing moral offences. **Yim Tith** listened and took notes without voicing any objection, thus apparently acquiescing in that plan.<sup>1111</sup>
- iv. In one meeting held in Boeng Kthum Cooperative, Banan District, Sector 1, **Yim Tith** warned the gathered audience of mobile unit workers and militiamen against collaborating with the “*Vietnamese and the CIA*” or with so called “*burrowing enemies*”.<sup>1112</sup>
- v. In another meeting held in September or October 1978 at Wat Bay Damram, Banan District, Sector 1, he warned the audience against betraying the Southwest group’s leadership and to report to him anyone who was stealing.<sup>1113</sup>

01432954-01432955, A50-A58, ERN 01432956, A69, ERN 01432957, A72, ERN 01432958-01432960, A77, A79-A96, ERN 01432961, A99, ERN 01432962, A102, ERN 01432962-01432963, A104-A110, A113, ERN 01432964-01432965, A116-A126, ERN 01432966, A130.

<sup>1109</sup> **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029378, A4, ERN 01029380, A12, ERN 01029381-01029382, A16-A18; **D118/299**, Written Record of Interview of Witness Chuon Than, 4 September 2014, ERN 01044754, A11, A13, ERN 01044756-01044757, A22-A25.

<sup>1110</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3, ERN 01061169, A5.

<sup>1111</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061168-01061169, A3, ERN 01061170, A7.

<sup>1112</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14.

<sup>1113</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90, A93-A95; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473, A11-A14, ERN 01178476-01178477, A36-A38.



- vi. In late 1978 at a worksite in Boeng Prey Commune, Doun Teav District, Sector 4, **Yim Tith** ordered mobile unit workers to maintain constant vigilance against “*spies or agents*” hiding in the villages and cooperatives and ordered them to report “*any cadres or ordinary people who took irregular action*” to the upper echelons.<sup>1114</sup>
- vii. According to Muol Eng, the former Bavel District Secretary, **Yim Tith** ordered him to “*fend off the enemies*”. The witness understood that an enemy was “*anyone who opposed, betrayed, complained or failed to work*” according to *Angkar*’s plan. The witness added that “*if someone failed to work according to [the] plan he would be killed.*”<sup>1115</sup>
421. There is evidence that **Yim Tith** also provided specific kill orders. Chhoeung Bean, a mobile unit worker in Sector 1, states that **Yim Tith** ordered his subordinate Ta Nen (a Southwest Zone cadre) to kill Northwest Zone cadres detained at Wat Bay Damram Security Centre in December 1978, as the Vietnamese approached. The witness does not explain how he came by that information. The same witness provides hearsay evidence that **Yim Tith** ordered his direct subordinate Ta Saman, a Northwest Zone cadre, to arrest and detain two unit level Northwest Zone cadres in Sector 1 along with their relatives at Khnang Kou Security Centre in either July or August 1978. The witness heard this story directly from one of the arrested Northwest Zone cadres in either 2011 or 2012.<sup>1116</sup> The same witness describes another incident that occurred while he was working at Kang Hort Dam when his unit chief escaped and, in response, **Yim Tith** ordered Ta Saman to capture and kill him. However, he heard this account in either 2009 or 2010 from his former regiment commander, whose basis of knowledge is not explained, so this account is not considered reliable.<sup>1117</sup> Several witnesses state that

<sup>1114</sup> **D118/96**, Written Record of Interview of Witness Loch Eng, 4 September 2013, ERN 00974055, A4-A5, ERN 00974057-00974058, A16, ERN 00974059, A27, ERN 00974060-00974061, A29-A37; **D219/627**, Written Record of Interview of Witness Loch Eng, 10 December 2015, ERN 01187740, A8, ERN 01187742, A20-A22, ERN 01187743, A29.

<sup>1115</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111830-01111831, A41, ERN 01111834-01111835, A81.

<sup>1116</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117716, A7-A10, ERN 01117719, A55; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178472, A3, A7, ERN 01178487-01178488, A103-A104, A108, ERN 01178499-01178502, A156-A157, A159-A160, ERN 01178508, A212, ERN 01178510, A220.

<sup>1117</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117716, A6-A7, ERN 01117720, A65, ERN 01117730, A141-A142.



**Yim Tith's** brother-in-law and direct subordinate, Ta Nim,<sup>1118</sup> worked very closely with **Yim Tith** after his appointment as Sector 1 Secretary and was responsible for carrying out arrests and killings in Sector 1.<sup>1119</sup>

422. **Yim Tith** was informed of the progress of the purge in the districts under his control through his messengers, meetings with other cadres and written reports.<sup>1120</sup>

423. At district level meetings, commune cadres were asked how many enemies they had found in their communes, and how many enemies they had smashed.<sup>1121</sup> In turn, the districts reported to **Yim Tith** both during monthly meetings in Battambang<sup>1122</sup> and **Yim Tith's** visits to the district offices.<sup>1123</sup> District committees sent reports to the sector about the situation in the district on a weekly or monthly basis, based on the reports from the communes.<sup>1124</sup> Cadres were warned that if they failed to report such enemy activities in their respective areas, they would be considered enemies themselves.<sup>1125</sup>

<sup>1118</sup> **D219/904**, Written Record of Interview of Witness Yoem Kuonh, 24 August 2017, ERN 01517494-01517495, A1, A14, ERN 01517498-01517505, A47, A58-A60, A64-A75, A79-A89, A91-A93, ERN 01517502, A99, A119, A122-A128, A140-A141.

<sup>1119</sup> **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097409-01097412, A32, A42-A62, ERN 01097412, A72-A78; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029400-01029402, A4, A11, A14-A15; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636-00969639, A2-A3, A6-A9, ERN 00969641, A21-A23, ERN 00969643-00969644, A38, A43, ERN 00969649, A83; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029416-01029417, A7, ERN 01029421, A29; **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090007-01090010, A9, A11, A14, A17-A19, A21-A24, A29-A30, ERN 01090012, A52-A53; **D219/894**, Written Record of Interview of Witness Kao Porn, 14 January 2017, ERN 01412966-01412967, A10, A19-A20, A22-A24, ERN 0141270, A63. *See also* **D219/945**, Written Record of Interview of Witness Sok Chhoeut, 10 March 2017, ERN 01523952-01523954, A12-A28, A33-A36, A38-A44.

<sup>1120</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976967, A47; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A17. *See also* **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044681-01044682, A42, A44-A46, A65; **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111834, A75-A76, ERN 01111836-01111837, A97-A98, A101, ERN 01111843, A161-A162, ERN 01111844, A168; **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053910, A44, ERN 01053913-01053915, A57, A61-A63, A66, A68-A69; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097409, A36-A37; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111808, A19.

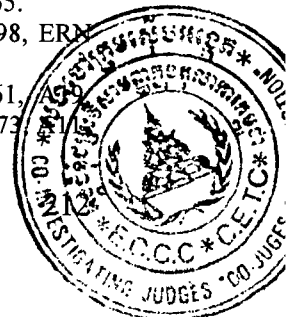
<sup>1121</sup> **D118/86**, Written Record of Interview of Witness Nhoek Ly, 10 August 2013, ERN 00976967, A47; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029382, A17.

<sup>1122</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044683, A55. *See also* **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053913-01053914, A57, A61-A63.

<sup>1123</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044685, A65.

<sup>1124</sup> **D219/294**, Written Record of Interview of Witness Muol Eng, 4 May 2015, ERN 01111837, A98, ERN 01111843, A161-A162.

<sup>1125</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111861, **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178473.



424. In October 1978, the former Samlaut District Secretary received a letter signed by **Yim Tith** as Sector 1 Secretary, instructing the district committee to build a security office in Samlaut District, however this never came to fruition.<sup>1126</sup>
425. **Yim Tith's** participation in the purge of the Northwest Zone and the brutality of its implementation attributed to him earned him the moniker "*Ta Tit, the contemptible*".<sup>1127</sup> **Yim Tith** has been described as being "*cruel*"<sup>1128</sup> and possessing a "*vicious*" character.<sup>1129</sup> Sorm Vanna, a civil party applicant, describes the sense of fear she and her fellow workers had when **Yim Tith** visited her worksite at Kang Hort Dam in 1977, stating "*[w]henver we saw Ta Tith coming, we knew people would definitely disappear*".<sup>1130</sup>

*Yim Tith visited security centres and worksites in the Northwest Zone*

426. **Yim Tith** visited at least Thipakdei Cooperative in 1977, Tuol Mtes Worksite in April-May 1978, and Banan Security Centre in 1977;<sup>1131</sup> it is reasonable to infer that the purpose of these visits included assessing the progress of the purge and ensuring his orders were fully implemented.

5.3.5.3 *The regulation of marriage*

427. **Yim Tith** contributed to the CPK policy on the regulation of marriage by attending at least the preparatory stages of a marriage ceremony in Sector 1 and in the days after to ask if "*anybody did not consent to living together*" and "*advised [newlyweds] to live together happily*".<sup>1132</sup>

A14, ERN 01178476-01178477, A36-A38. See also **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722-01117723, A87-A90, A93-A95.

<sup>1126</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044674, A7, ERN 01044682-01044683, A51-A52, ERN 01044685, A63, ERN 01044688, A82; **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432949, A137-A139.

<sup>1127</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A23.

<sup>1128</sup> **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178474, A17-A18.

<sup>1129</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A23.

<sup>1130</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050674, A39-A44.

<sup>1131</sup> See *Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre Worksite)*, paras 650-651; *Banan Security Centre*, para. 718.

<sup>1132</sup> See *Forced marriage in Sectors 1 and 4*, paras 980-989.



#### 5.4 Factual findings on the existence of an armed conflict with Vietnam

428. Armed hostilities between DK and the Socialist Republic of Vietnam (“SRV”) occurred between mid-April 1975 and 6 January 1979. Despite some lulls in the fighting – particularly during 1976 – the two States did not, during that period, reach a peace agreement.
429. Fighting between DK and SRV forces took place as early as mid-April 1975 at the SRV-DK border.<sup>1133</sup> From May 1975, incidents occurred from Kampot to Ratanakiri,<sup>1134</sup> and DK forces attacked Koh Tral (known today as Phu Quoc), and Tho Chu islands, and entered into Vietnamese territory.<sup>1135</sup> Around June, SRV forces captured the two Koh Poulo Wai and Tho Chu islands.<sup>1136</sup> The border fighting saw the use of artillery and aircraft;<sup>1137</sup> incidents at the border also happened later in that year.<sup>1138</sup>
430. On 4 January 1976, “*fierce fighting*” occurred over Koh Tral, including bombing and attacks by aircraft and helicopters, and the artillery shelling of ships.<sup>1139</sup> Fighting

<sup>1133</sup> **D13.17.2**, Department of Press and Information of the Ministry of Foreign Affairs of Democratic Kampuchea “Black Paper: Facts and Evidences of the Acts of Aggression and Annexation of Vietnam Against Kampuchea”, 20 November 2008 (filing date), ERN 00082550.

<sup>1134</sup> Media reports were used in footnotes only to demonstrate that both sides reported a conflict. None of the subjective information portrayed in the media reports were relied upon. **D132.1.136**, Swedish Collection Document 1978, 17 January 1978, ERN 00008671; **D6.1.815**, Foreign Broadcast Information Service collection of reports for September 1977, 3 August 1977, ERN 00168725; **D6.1.741**, The Revolutionary Flag, Issue 2, 1 February 1978, ERN 00464054, ERN 00464060-00464061.

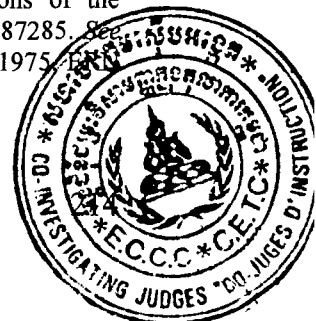
<sup>1135</sup> **D132.1.44**, Facts and Documents on Democratic Kampuchea’s Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Vietnam, January 1978, ERN 00187273, ERN 00187275, ERN 00187281; **D132.1.24**, The Vietnam-Kampuchea Conflict (A Historical Record), 9 May 2008, ERN 00187338; **D132.1.169**, Vietnam-Cambodia Conflict Report, 4 October 1978, ERN 00187387.

<sup>1136</sup> **D322/8.1.28**, Statement of the Government of Democratic Kampuchea to the Revolutionary Armed Forces and the People of Cambodia, 31 December 1977, ERN 00713104-00713105; **D132.1.3**, Swedish Collection Document 1978 – Statement by Ieng Sary, 1 May 1978, ERN 00011306; **D6.1.818**, Foreign Broadcast Information Service collection of reports for January 1978, 31 January 1978, ERN 00169520-00169521; **D132.1.89**, Statements of Ieng Sary before the General Assembly of the United Nations on 11 October 1977 or on 12 October 1978, 12 October 1978, ERN 00199496; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008727; **D179/1.2.44**, Transcript of Hearing on the Substance in Case 002/1 [Meas Voeng], 9 October 2012, ERN 00854785, lines 17-25; **D219/883.1.94**, Transcript of Hearing on the Substance in Case 001 [Nayan Chanda], 25 May 2009, ERN 00334092, lines 3-6, lines 14-23; **D132.1.32**, Speech of Ieng Sary to the 34th General Assembly of the United Nations in New York, 9 October 1979, ERN 00633664.

<sup>1137</sup> **D132.1.160**, Telex report about Chhon’s report to Pol Pot on situation on border in region 23, 11 November 1975, ERN 00182595.

<sup>1138</sup> **D132.1.44**, Annex 8 Facts and Documents on Democratic Kampuchea’s Serious Violations of the Sovereignty and Territorial Integrity of the Socialist Republic of Vietnam, January 1978, ERN 00187285. See also **D6.1.1**, The permanent’s meeting of committee on 2-11-75 at 7 o’clock at night, 2 December 1975, ERN 00183413-00183414.

<sup>1139</sup> **D132.1.85**, Reported to Brother 89, 5 January 1976, ERN 00231824.





occurred sporadically in 1976, in territorial waters and along the border.<sup>1140</sup> In March and May 1976, negotiations took place, however no peace settlement was reached.<sup>1141</sup>

431. Throughout 1977, hostilities escalated in frequency and intensity along the border, resulting in territorial incursions, intense fighting, captures, and casualties.<sup>1142</sup> DK

<sup>1140</sup> Generally: **D132.1.108**, DK Military Telegram entitled “Telegram via Kolaing, To Uncle 89”, 23 January 1976, ERN 00185223; **D132.1.14**, DK Government Telegram entitled “Telegram #25 to Brother”, 7 March 1976, ERN 00183709; **D132.1.159**, DK Government Telegram entitled “Telegram #21 to comrade Brother Pol: Report of Comrade Chhouk in zone 24”, 21 March 1976, ERN 00185241; **D6.1.1138**, Record of Meeting of the Permanent Committee, 26 March 1976, ERN 00182651-00182652, ERN 00182657; **D132.1.94**, Minutes of Permanent Committee Meeting, 11 March 1976, ERN 00182635-00182636. *See also* **D132.1.136**, Swedish Collection Document 1978, 17 January 1978, ERN 00008671; **D5/387/4**, Transcript of Hearing on the Substance in Case 002/2 [Chhun Samorn], 28 June 2016, ERN 01340819-01340820. Ratanakiri: **D6.1.532**, Khieu Samphan “Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea”, 20 April 2010 (filing date), ERN 00498266-0049867; **D6.1.1164**, Minutes of Permanent Committee Meeting on 22 February 1976 at night, 22 February 1976, ERN 00182625. Kratie and Takeo: **D132.1.94**, Minutes of Permanent Committee Meeting, 11 March 1976, ERN 00182635-00182636; **D6.1.532**, Khieu Samphan “Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea”, 20 April 2010 (filing date), ERN 00498266-0049867. Mondulkiri: **D6.1.1152**, Note of Committee Division 920 Meeting: Report about enemy situation and our situation, 7 September 1976, ERN 00184779; **D219/852.1.12**, Transcript of Hearing on the Substance in Case 002/2 [Sov Maing alias Sao Champi], 27 October 2016, ERN 01370559-01370560; **D6.1.532**, Khieu Samphan “Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea”, 20 April 2010 (filing date), ERN 00498266-0049867. Svay Rieng: **D5/387/4**, Transcript of Hearing on the Substance in Case 002/2 [Chhun Samorn], 28 June 2016, ERN 01340819-01340820; **D6.1.1164**, Minutes of Permanent Committee Meeting on 22 February 1976 at night, 22 February 1976, ERN 00182625.

<sup>1141</sup> March: **D6.1.1138**, Record of Meeting of the Permanent Committee, 26 March 1976, ERN 00182651-00182657; **D132.1.14**, DK Government Telegram entitled “Telegram #25 to Brother”, 7 March 1976, ERN 00183709-00183711; **D6.1.532**, Khieu Samphan “Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea”, 20 April 2010 (filing date), ERN 00498266-0049867. May: **D132.1.76**, DK Government Statement to the Cambodia Army and People on Aggression by SRV Armed Forces against DK, 31 December 1977, ERN 00169521; **D132.1.3**, Swedish Collection Document 1978 – Statement by Ieng Sary, 1 May 1978, ERN 00011306; **D366/4.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Prak Khan], 27 April 2016, ERN 01298568, lines 3-6.

<sup>1142</sup> Generally: **D6.1.815**, Foreign Broadcast Information Service collection of September 1977, 3 August 1977, ERN 00168725-00168726; **D132.1.27**, Cambodia's Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008730; **D5/387/4**, Transcript of Hearing on the Substance in Case 002/2 [Chhun Samorn], 28 June 2016, ERN 01340822, lines 5-18; **D219/852.1.12**, Transcript of Hearing on the Substance in Case 002/2 [Sov Maing alias Sao Champi], 27 October 2016, ERN 01370560, lines 11-23; **D132.1.75**, To respected M-870: Enemy situation along the East border, 1 May 1977, ERN 00183715-00183717; **D132.1.62**, Written Record of Interview of Witness Saom Sam-Ol alias Phuon, 1 April 2008, ERN 00209207; **D132.1.136**, Swedish Collection Document, 17 January 1978, ERN 00008672; **D132.1.37**, Written Record of Interview of Witness Sao Khe, 2 April 2008, ERN 00194976; **D132.1.82**, Speech by Charged Person Khieu Samphan at the mass meeting held on the occasion of the Third Anniversary of the Glorious April 17 and the Founding of Democratic Kampuchea, 17 April 1978, ERN 00280391-00280392; **D132.1.89**, Statements of Ieng Sary before the General Assembly of the United Nations on 11 October 1978, 12 October 1978, ERN 00199496. May: **D132.1.52**, Situation along the Svay Rieng border, Zone #23, 14 May 1977, ERN 00654824-00654826; **D132.1.88**, New York Times, “Refugees report clashes on Cambodia-Vietnam lines”, 9 August 1977, ERN 00165990; **D132.1.2**, DK Military Telegram by Chhan entitled “Telegram 54 - Radio Band 274 - Dear Beloved Office 870”, 20 May 1977, ERN 00185226. June: **D132.1.157**, Record of region 23 about border situation on 14-18 June 1977, 8 September 2015 (filing date), ERN 00185247-00185249. August: **D132.1.155**, Telegram 68 - To Beloved and Missed Office 89 about Kampuchea-Vietnam's aggression on 30/8/77, 30 August 1977, ERN 00182762; **D132.1.167**, To Beloved and Missed Office 870 about the situation along the boundary of region 20 and region 23, 14 August 1977, ERN 00183610. October: **D132.1.114**, Telegram 60: To Beloved and Missed Office 870 about situation in region 29 October 1977, ERN 00185189. December: **D132.1.162**, Telegram 91: To Beloved Office-870 about situation of enemies in battle field route No 22, 9 December 1977, ERN 00183621.



troops entered Vietnam, including Tay Ninh and Ha Tien Provinces,<sup>1143</sup> while SRV forces penetrated up to several dozen kilometres into DK territory along the border.<sup>1144</sup> In addition to the engagement of infantry divisions, tanks, and artillery units, SRV aircraft attacked DK territory and positions,<sup>1145</sup> with a report indicating that forces numbered 4,000 to 5,000 on each side.<sup>1146</sup> Considered a “*non-declared war*” against DK by Khieu Samphan and Ieng Sary,<sup>1147</sup> on 31 December 1977, DK severed its diplomatic relations with the SRV.<sup>1148</sup>

432. In 1978 clashes continued, and escalated, again featuring territorial incursions, including in An Giang Province, and numerous casualties.<sup>1149</sup> On 31 December 1978,

<sup>1143</sup> Tay Ninh: **D6.1.85**, Chanda Nayan, “Brother Enemy: The War after the War”, 9 January 2006, ERN 00192378; **D219/883.1.94**, Transcript of Hearing on the Substance in Case 001 [Nayan Chanda], 25 May 2009, ERN 00334098, lines 1-9; **D219/702.1.130**, Transcript of Hearing on the Substance in Case 001 [Nayan Chanda], 26 May 2009, ERN 00334427-00334428. Ha Tien: **D132.1.30**, Chhean’s telegram no 46 reported to Brother about the aggression of Khmer military on Vietnam border, 15 June 1977, ERN 01347938; **D6.1.815**, Foreign Broadcast Information Service collection of September 1977, 3 August 1977, ERN 00168725-00168726.

<sup>1144</sup> Generally: **D132.1.136**, Swedish Collection Document 1978, 17 January 1978, ERN 00008672; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008724-00008725; **D322/8.1.33**, Press Communique of the Spokesman of the Ministry of Propaganda and Information of the Democratic Kampuchea, 25 June 1978, ERN 00079722. Svay Rieng: **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519832; **D219/702.1.149**, Written Record of Interview of Witness Tea Tit, 28 January 2009, ERN 00284711-00284713; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008725; **D132.1.57**, Telegram 46: To Comrade Yi via Office 870 about situation of Kamp-Vietnam border, 5 November 1977, ERN 00324808. Kampot: **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008725; **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519832; **D322/8.1.28**, Statement of the Government of Democratic Kampuchea to the Revolutionary Armed Forces and the People of Cambodia, 31 December 1977, ERN 00713102. Kampong Cham: **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519832. Takeo: **D322/8.1.28**, Statement of the Government of Democratic Kampuchea to the Revolutionary Armed Forces and the People of Cambodia, 31 December 1977, ERN 00713102; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008725; **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519832.

<sup>1145</sup> **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008724-00008725; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008725; **D6.1.815**, Foreign Broadcast Information Service collection of September 1977, 3 August 1977, ERN 00168725-00168726; **D1.3.30.4**, DK Military Telegram by Nhim entitled “Telegram 48 – Radio Band 100 – To Respected Angkar 870”, 27 August 1977, ERN 00185185; **D1.3.30.7**, DK Military Telegram by Nhim and Hem entitled “Telegram 22 - Radio Band 362 - We Would Like to Report to M 870 as Follows”, 22 December 1977, ERN 00183629.

<sup>1146</sup> **D6.1.815**, Foreign Broadcast Information Service collection of September 1977, 3 August 1977, ERN 00168725-00168726.

<sup>1147</sup> **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008724; **D132.1.3**, Swedish Collection Document 1978 – Statement by Ieng Sary, 1 May 1978, ERN 00011306.

<sup>1148</sup> **D132.1.123**, Déclaration du Ministère des Affaires Etrangères du Kampuchéa Démocratique, 31 December 1977, ERN 00282392-00282393; **D132.1.34**, New York Times “Cambodia Cuts Diplomatic Ties with Vietnam” 31 December 1977, ERN 00166127; **D132.1.27**, Cambodia’s Temporary Severance of Relations with Vietnam, 3 January 1978, ERN 00008724.

<sup>1149</sup> Generally: **D1.3.23.2**, Partial Transcript of Phnom Penh radio broadcast, 10 May 1978, ERN 00003959-00003960; **D6.1.742**, The Revolutionary Flag, Issue 4, 1 April 1978, ERN 00519832-00519833; **D118/6**, Written Record of Interview of Witness Pol Nhan, 23 May 2013, ERN 00945845, A5-A6; **D132.1.3**, Swedish Collection Document 1978 – Statement by Ieng Sary, 1 May 1978, S 00011306; **D6.1.434**, Written Record of Interview of Witness Pol Nhan, 23 May 2013, ERN 00945845, A5-A6.



following a large-scale SRV attack, DK seized the United Nations Security Council.<sup>1150</sup>  
By 25 December 1978 over 100,000 Vietnamese troops had already entered DK,  
leading to the fall of Phnom Penh on 7 January 1979.<sup>1151</sup>

Interview of Witness Sreng Thi, 6 January 2009, ERN 00282225; **D132.1.72**, Press Communique of the Spokesman of the Ministry of Propaganda and Information of the Democratic Kampuchea, 1 July 1978, ERN 00078180; **D219/852.1.12**, Transcript of Hearing on the Substance in Case 002/2 [Sov Maing alias Sao Champi], 27 October 2016, ERN 01370559, lines 1-4, ERN 01370560, lines 11-23. An Giang Province: **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, ERN 01053681, A4, ERN 01053681, A12, 01053682, A17-A18, ERN 01053683, A22-A27, A29, ERN 01053686, A50; **D118/233**, Written Record of Interview of Witness Lach Sem, 9 May 2014, ERN 01055574, A2, ERN 01055575-01055576, A6, A9-A16; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836, A13-A16; **D118/128**, Written Record of Interview of Civil Party Applicant Chau Ny, 28 October 2013, ERN 00970006-00970007, A30; **D118/164**, Written Record of Interview of Witness Pen Heang, 4 December 2013, ERN 00980243-00980244, A11-A12; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4-A5, ERN 00985589, A24; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4-A5, ERN 00985589, A24; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1, A3-A4; **D118/132**, Written Record of Interview of Civil Party Applicant Un Sovannary, 1 November 2013, ERN 00970055, A12, A14, ERN 00970056, A16-A22, ERN 00970057, A28; **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979991, A4-A5, ERN 00979992, A12, ERN 00979994-00979995, A26-A31; **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 1148853, A9; **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077059-01077060, A16-A17, A19-A20. *See also Factual findings on the JCE targeting the Khmer Krom*, paras 222-224. January: **D132.1.107**, Telegram 15: To respected and beloved Office 870 about situation of enemy along route 7, 1 January 1978, ERN 00183642; **D132.1.136**, Swedish Collection Document, 17 January 1978, ERN 00008675-00008677; **D132.1.89**, Statements of Ieng Sary before the General Assembly of the United Nations on 11 October 1978, 12 October 1978, ERN 00199496-00199497; **D6.1.1268**, DK Military Telegram by Chhon entitled "Telegram 15 - Radio Band 791 - To Respected and Beloved Brother Pol", 19 January 1978, ERN 00532795-00532796. February: **D132.1.125**, DK Military Telegram by Rom entitled Telegram 06, 2 March 1978, ERN 00795287. March: **D132.1.170**, DK Military Telegram by Peam entitled Telegram 28 - Radio Band 305 - To Respected Representative of Angkar, 23 March 1978, ERN 00185585. April: **D6.1.496**, DK Telegram entitled "Telegram No 18", 8 April 1978, ERN 00323164; **D1.3.30.13**, DK Military Telegram by Comrade Pauk entitled "Telegram 02 - To Respected Committee 870", 12 April 1978, ERN 00185199. May: **D219/702.1.26**, Telegram No 11, 6 May 1978, ERN 00322057; **D132.1.28**, The report of the supervision situation in the entire Ploch region for the first week in May 1978, 5 May 1978, ERN 00185207. October: **D132.1.110**, Telegram 54: To Respected and Beloved Office 870 about situation of border's battle fields National Route No 13, 25 October 1978, ERN 00182815.

<sup>1150</sup> **D132.1.42**, United Nations Security Council, 31 December 1978, ERN 00081489-00081490; **D132.1.32**, Speech of Ieng Sary to the 34th General Assembly of the United Nations in New York, 9 October 1979, ERN 00633663, ERN 00633665, ERN 00633667.

<sup>1151</sup> **D118/62**, Written Record of Interview of Witness Pol Nhan, 23 May 2013, ERN 00945845, A5-A6; **D6.1.97**, Written Record of Interview of Witness Nuon Pet alias Khun Kim, 30 April 2008, ERN 00268859; **D132.1.32**, Speech of Ieng Sary in the 34th General Assembly of the United Nations in New York, 9 October 1979, ERN 00633663; **D132.1.113**, Stephen Morris, "Why Vietnam Invaded Cambodia: Political Culture and the Causes of War", 16 August 2013 (filing date), ERN 00078209; **D219/370.1.7**, Gina Chon and Thet Sambath, "Behind the killing fields: a Khmer Rouge leader and one of his victims", 23 June 2015 (filing date), ERN 00757541.



## 5.5 Factual findings on crimes

### 5.5.1 Sector 13

#### 5.5.1.1 Wat Pratheat Security Centre

##### *Location and establishment*

433. Wat Pratheat was a security centre located in Kbal Damrei Village, Kouk Prech Commune, Kirivong District (District 109), Sector 13, Southwest Zone,<sup>1152</sup> within a one-hectare walled compound secured by barbed wire that surrounded the pagoda.<sup>1153</sup>
434. The security centre was initially established in Kouk Prech Village in 1973 and was relocated to Wat Pratheat in early 1975.<sup>1154</sup>
435. During the first attack of the Vietnamese troops in mid-1977, the operation of Wat Pratheat Security Centre was suspended for approximately one month.<sup>1155</sup> The prison continued to operate until and was evacuated shortly before the arrival of Vietnamese forces.<sup>1156</sup>
436. Prisoners were detained in the former monks' eating hall, which was a windowless<sup>1157</sup> 10 by 25 to 30 metre building in the middle of the compound.<sup>1158</sup> The hall was divided

<sup>1152</sup> **D3/22**, Site Identification Report, 30 November 2010, ERN 00644204; **D3/22.1**, Takaev Road Network Map, filed 9 March 2011, ERN 00650935; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970426, A33; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379169.

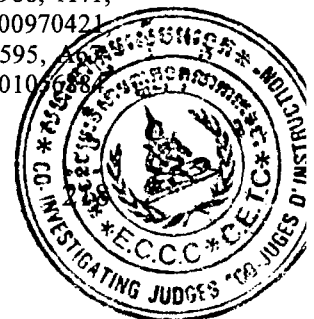
<sup>1153</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3; **D219/346**, Written Record of Interview of Witness Tun Soun, 29 May 2015, ERN 01116111, A25; **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219281; *cf.* **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980467, A9, ERN 00980469, A33; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057798, A23.

<sup>1154</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980467, A17-A18, ERN 00980471, A49; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079813- 01079814, A2-A3; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056873, A3; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128258, A52-A56.

<sup>1155</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015 ERN 01095771-01095772, A101-A105, A110, ERN 01095773, A122; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970424, A26; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978586-00978587, A3-A8; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A14.

<sup>1156</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978599, A95-A96; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057794, A5; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128258, A54-A56.

<sup>1157</sup> **D219/316**, Written Record of Interview of Witness Mao Ngov, 19 May 2015, ERN 01111988, A41; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970421, A15; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978595, A69; *cf.* **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056873, A15.



into three rectangular rooms,<sup>1159</sup> two for men and one for women.<sup>1160</sup> Each room contained a long concrete block with iron rings to hold iron bars,<sup>1161</sup> which were used to shackle prisoners.<sup>1162</sup> Each bar could fit at least 30 prisoners.<sup>1163</sup> There were other structures within the compound.<sup>1164</sup>

437. There were killing sites and mass graves in various locations surrounding the prison. One former prisoner recounts that there were four killing sites in the vicinity of Wat Pratheath: the first 200 metres north, the second 250 metres south, the third 100 metres east, and a fourth site approximately one kilometre west of Wat Pratheath, at the foot of Phnom Andaung Doerm Khnor Mountain in Prey Cheung Village.<sup>1165</sup> Two other former detainees saw killing sites and pits in the rice fields south of the prison, just outside the prison perimeter.<sup>1166</sup>

<sup>1158</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841981, A5; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803448, A76.

<sup>1159</sup> **D219/316**, Written Record of Interview of Witness Mao Ngov, 19 May 2015, ERN 01111988, A26; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803451, A100-A101; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841981, A55; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A5; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095766, A35-A36; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128261, A107.

<sup>1160</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980469, A33; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128261, A107; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841981, A52; *See also* **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970426, A34; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095778, A194. *Cf.* **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079821, A39.

<sup>1161</sup> **D3/9**, Written Record of Interview of Witness Mey Sokhan, 29 September 2010, ERN 00622279, A3, *which adopts* **D1.3.11.50**, OCP interview of Mey Sokhan, 15 August 2008, ERN 00219277.

<sup>1162</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970418, A3.

<sup>1163</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A83.

<sup>1164</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057798, A23; **D219/326**, Written Record of Interview of Witness Hor Yan, 22 May 2015, ERN 01112035, A9-A14

<sup>1165</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095773-01095774, A129-A136.

<sup>1166</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053837, A34; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A81-A82

**D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978591,

**D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980471, A44-A45

A48.



*Structure and personnel*

438. Pring was the chief of Wat Pratheat throughout DK.<sup>1167</sup> The prison personnel consisted of six to 12 guards, including Chhim, Ben and Dok Chann (alias Chan).<sup>1168</sup> Dok Chann's statement, according to which he was not at the security centre after June 1975, is not credible, because he was credibly and reliably identified as "Chan" by two witnesses detained at Wat Pratheat Security Centre in 1977.<sup>1169</sup> Moreover, his brother You Phnom states that he regularly visited Dok Chann at the security centre between the rainy season in 1976 and the end of DK.<sup>1170</sup>

439. The Kirivong District Committee directly oversaw the Wat Pratheat Security Centre.<sup>1171</sup> Accordingly, district committee members **Yim Tith**, Yeay Bau/Bo, Ta Nem/Nam and

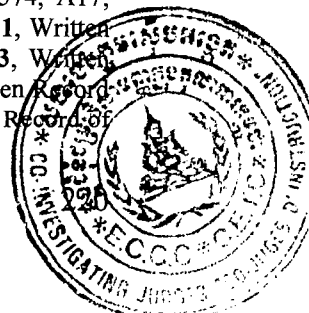
<sup>1167</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803450, A88; **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980470, A34; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A9; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095765, A27; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056873, A4; **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076891, A4; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079815, A8. *See* **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053834, A22; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057794, A6-A7. *Cf.* **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841987, A109-A110; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978589, A24; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053834, A22. *Contra* **D118/43**, Written Record of Interview of Witness Sieng Hoam, 22 April 2013, 00920575, A21; **D118/111**, Written Record of Interview of Witness Ly Chhuon, 15 October 2013, ERN 00970410, A21; **D118/303**, Written Record of Interview of Witness Ly Chhuon, 3 September 2014, ERN 01045500, A63; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976606, A11; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045482-01045483, A94, A100.

<sup>1168</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980471, A52; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978596, A74; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803450, A90-A91; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056873, A4; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079814-01079815, A3, A8; **D118/111**, Written Record of Interview of Witness Ly Chhuon, 15 October 2013, ERN 00970410, A21; **D118/303**, Written Record of Interview of Witness Ly Chhuon, 3 September 2014, ERN 01045500, A63; **D118/43**, Written Record of Interview of Witness Sieng Hoam, 22 April 2013, ERN 00920575, A21; **D219/109**, Written Record of Interview of Witness You Phnom, 2 December 2014, ERN 01081737, A1. *Cf.* **D219/160**, Written Record of Interview of Witness Dok Chann, 29 January 2015, ERN 01067766, A17; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057793-01057794, A2, A6.

<sup>1169</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056872, A2-A3, ERN 01056875-01056876, A12-A13; **D219/160**, Written Record of Interview Witness Dok Chann, 29 January 2015, ERN 01067767, A20; **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980466, A3-A6; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A8.

<sup>1170</sup> **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076891, A3.

<sup>1171</sup> **D118/43**, Written Record of Interview of Witness Sieng Hoam, 22 April 2013, ERN 00920574, A17; **D219/55**, Written Record of Interview of Hao Yan, 27 October 2014, ERN 01053839, A43; **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076911, A74; **D118/303**, Written Record of Interview of Witness Ly Chhuon, 3 September 2014, ERN 01045498, A53; **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A5-A7; **D219/121**, Written Record of



Ta Tom regularly visited the site,<sup>1172</sup> and security centre chief Pring attended district level meetings with **Yim Tith**.<sup>1173</sup>

### Arrests

440. Cooperatives were formed in Kirivong District from 1975 to 1976,<sup>1174</sup> and the CPK moved large numbers of “17 April people” to the area.<sup>1175</sup> On orders of the District Committee,<sup>1176</sup> commune secretaries, village chairmen, unit chairmen, militiamen and messengers throughout Kirivong District conducted arrests in the cooperatives and villages.<sup>1177</sup> Dok Chann was responsible for transfers to the security centre,<sup>1178</sup> in conjunction with district military and militia.<sup>1179</sup>

441. Arrests and transfers occurred “very often”,<sup>1180</sup> both during the day<sup>1181</sup> and at night.<sup>1182</sup> Militiamen transferred prisoners on foot or by ox-cart,<sup>1183</sup> with their arms tied behind

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Interview of Witness Loem Ngen, 11 December 2014, ERN 01057793-01057795, A2-A3, A9-A10; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079815, A9; **D118/302**, Written Record of Interview of Witness Pann Sarou, 2 September 2014, ERN 01045482, A93; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970420, A12-A13.

<sup>1172</sup> **Yim Tith**: **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976607, A16-A17; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803450-00803451, A94-A100; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A12. **Yeay Bo (or Yeay Bau)**: **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2014, ERN 00976607, A16; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970420, A13, ERN 00970427, A43-A44. **Ta Tom**: **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976607, A16; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970427, A43-A44. **Ta Nam**: **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A14-A15.

<sup>1173</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056874, A7, A9; **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056882, A11.

<sup>1174</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970416-00970418, A2.

<sup>1175</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219281.

<sup>1176</sup> **D118/305**, Written Record of Interview of Witness Top Phan, 6 September 2014, ERN 01045525, A59; **D219/471**, Written Record of Interview of Witness Tim Phy, 21 August 2015, ERN 01154809-01154810, A33-A37, ERN 01154811, A43-A46, ERN 01154812, A49, ERN 01154813, A60, ERN 01154823-01154824, A134-136; **D105/5** Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803445, A40-43.

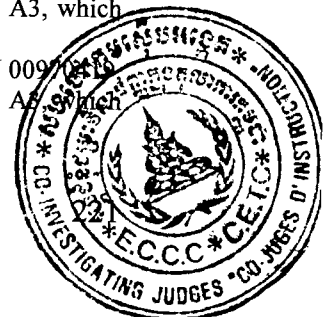
<sup>1177</sup> **D118/33**, Written Record of Interview of Witness Am Kun, 10 April 2013, ERN 00911434, A24; **D118/48**, Written Record of Interview of Witness Heng Prel, 25 April 2013, ERN 00938192, A35, A38.

<sup>1178</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980466, A2-A3.

<sup>1179</sup> **D118/305**, Written Record of Interview Witness Top Phan, 6 September 2014, ERN 01045532, A112, A118; **D219/160**, Written Record of Interview of Witness Dok Chann, 29 January 2015, ERN 01067764, A7, ERN 01067765, A12. Cf. **D219/160**, Written Record of Interview of Witness Dok Chann, 20 February 2015, ERN 01067764, A3; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976606, A11.

<sup>1180</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 20 November 2008, ERN 00219281.

<sup>1181</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970420, A5; **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 20 November 2008, ERN 00219281.



their backs with a *krama*, and at times also blindfolded with a *krama*.<sup>1184</sup> A former prisoner states that 10 to 20 female prisoners arrived each night.<sup>1185</sup> Another former prisoner estimates that between four and 20 people were brought to Wat Pratheat at a time,<sup>1186</sup> and when he arrived in 1977 there were about 30 to 40 prisoners.<sup>1187</sup>

442. People were arrested for being Khmer Krom,<sup>1188</sup> Khmer Republic officials,<sup>1189</sup> “17 April People”,<sup>1190</sup> or because they were related to someone who was already under suspicion<sup>1191</sup> or detained.<sup>1192</sup> Some were accused of helping people flee to Vietnam<sup>1193</sup> or of travelling without permission.<sup>1194</sup> Women were arrested if their husbands had fled, children for escaping from work.<sup>1195</sup> Smaller infractions such as stealing food also led to arrests.<sup>1196</sup>

### *Conditions of detention*

443. According to one witness, who had been a detainee in 1978, prisoners were put in shackles upon their arrival, until their backgrounds had been checked, which could take

<sup>1182</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980469, A33; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A57; **D105/5** Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803445, A44-A46.

<sup>1183</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970417, A2; **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 20 November 2008, ERN 00219281.

<sup>1184</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 20 November 2008, ERN 00219281.

<sup>1185</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A57.

<sup>1186</sup> **D105/5**, Written Record of Interview of Witness of Ork Chan, 8 March 2012, ERN 00803448, A74.

<sup>1187</sup> **D105/5**, Written Record of Interview of Witness of Ork Chan, 8 March 2012, ERN 00803448, A77.

<sup>1188</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803445, A44; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095775, A150-A152; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053840, A45.

<sup>1189</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A6.

<sup>1190</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A61-A62.

<sup>1191</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970416, A2.

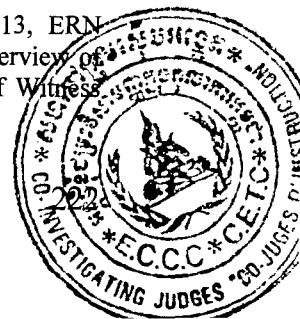
<sup>1192</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A61.

<sup>1193</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803448, A70-A71; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970416-00970417, A2.

<sup>1194</sup> **D118/48**, Written Record of Interview of Witness Heng Prel, 25 April 2013, ERN 00938189, A8.

<sup>1195</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970425, A30, ERN 00970426, A35.

<sup>1196</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970416-00970418, A2, ERN 00970419, A6, ERN 00970426, A35; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A64; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057798, A24.





from seven days up to a fortnight.<sup>1197</sup> “*Serious offenders*” who had been reclassified as “*light offenders*” were “*tempered*” by having to do labour usually for weeks or months<sup>1198</sup> before they were released upon showing sufficient improvement.<sup>1199</sup> By contrast, a very few “*light offenders*” were brought to the prison for only a few days of re-education or “*training*” and subsequently released.<sup>1200</sup>

444. “*Light offenders*” and those reclassified from “*serious offenders*” were not kept in shackles and slept in various places within the prison compound.<sup>1201</sup> They were required to assist in preparing the food for the shackled prisoners and to perform other tasks.<sup>1202</sup> While these tasks allowed them to move relatively freely around the compound, they were not allowed contact with their relatives or villagers<sup>1203</sup> and some were kept for weeks or months.<sup>1204</sup>
445. One former prisoner states that some who had been released stayed voluntarily because “*the situation at the bases was very difficult*”.<sup>1205</sup> Some released prisoners were kept at the compound to recover before being sent to a cooperative.<sup>1206</sup>

<sup>1197</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057799, A26-A27; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079821, A41.

<sup>1198</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980468-00980470, A24-A37; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978593, A53. *See also* **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079821, A40.

<sup>1199</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057799, A25.

<sup>1200</sup> **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976606, A12; **D13**, Written Record of Interview of Witness Tun Soun, 6 May 2011, ERN 00698809.

<sup>1201</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970422, A18; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A16, ERN 00841983, A68; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978592, A44; **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980469, A29.

<sup>1202</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095779, A219; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841983, A68; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978597, A86, ERN 00978598, A91; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970425, A29.

<sup>1203</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978598-00978599, A93-A94.

<sup>1204</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980468-00980470, A24-A37; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978593, A53.

<sup>1205</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057799, A24.

<sup>1206</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056779, A24; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978593, A53.



446. The maximum capacity of the detention facility was somewhere between 60 and 200 people at a time.<sup>1207</sup> A former prisoner, who was detained throughout 1977, says there were “fewer than a thousand prisoners” passing through the prison in that period,<sup>1208</sup> and another states that from early 1978 the number of prisoners fluctuated between six to 20 at any time as new prisoners were brought in or existing prisoners taken away.<sup>1209</sup>
447. Prisoners “periodically” died from starvation, malnutrition, lack of medicine and disease.<sup>1210</sup>

### *Interrogations*

448. Prisoners were interrogated under a tree on the southwest side of the pagoda<sup>1211</sup> or in front of the detention building.<sup>1212</sup> In accordance with reports received from the communes, prisoners accused of having connections to the Khmer Republic were classified as “serious crime prisoners”, whereas those accused of ordinary infractions were classified as “minor crime prisoners”.<sup>1213</sup> Prisoners were interrogated on the basis of the allegations in these reports; they were asked to implicate people in their “network” while being beaten, kicked or suffocated.<sup>1214</sup> If answers were not

<sup>1207</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A5; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841982, A58; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053830, A6. See **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079816, A15.

<sup>1208</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A82.

<sup>1209</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057798, A22.

<sup>1210</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057798, A21; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079816, A16; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970429, A52.

<sup>1211</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A85; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A8; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057800, A31.

<sup>1212</sup> **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079820, A35.

<sup>1213</sup> **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056882-01056883, A12; **D219/316**, Written Record of Interview of Witness Mao Ngov, 19 May 2015, ERN 01111991 A82.

<sup>1214</sup> **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056882-01056883, A12; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419-00970420, A6-A11; **D219/111**, Written Record of Interview of Witness Mao Chhorm, 8 December 2014, ERN 01076907, A37; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079820, A35; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095765, A26, ERN 01095773, A126; **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057800, A31; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A86; **D219/316**, Written Record of Interview of Witness Mao Ngov, 19 May 2015, ERN 01111987, A13, ERN 01111991-01111992, A94-A104.



satisfactory, the prisoner was beaten again.<sup>1215</sup> Prison personnel kept records of the interrogations.<sup>1216</sup> Civil party applicant Ven Nat recounts having been interrogated in this fashion several times per day for 15 consecutive days.<sup>1217</sup>

449. Another form of mistreatment during the interrogation was to force prisoners to eat large quantities of salt, causing the death of at least two prisoners.<sup>1218</sup>
450. One former guard stated that the detainees were not “*seriously injured*” during the interrogation.<sup>1219</sup>
451. The prison chief reported the answers recorded during the interrogation to the District Committee, and the reports formed the basis for any decisions on release.<sup>1220</sup>

### *Killings*

452. When the security centre was full, prisoners were taken out to be killed.<sup>1221</sup> If a large number of prisoners were to be killed, additional district militiamen arrived at the security centre to assist in the killing operation.<sup>1222</sup> Pring and Aun issued the orders to execute prisoners.<sup>1223</sup>
453. Killings occurred throughout the day and at night, directly after arrests or after multiple interrogations.<sup>1224</sup> Especially in late 1977, prisoners were killed every four or five days,<sup>1225</sup> which may have been due to the prison reaching its maximum capacity.<sup>1226</sup>

<sup>1215</sup> D105/5, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A79.

<sup>1216</sup> D118/112, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419-00970420, A9; D219/248, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095763, A12.

<sup>1217</sup> D118/112, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970419, A7; D219/248, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095765, A28-A29. *See also* D1.3.11.2, OCP Interview of Witness Aok Chan, 15 August 2008, ERN 00219253.

<sup>1218</sup> D118/112, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970429, A52.

<sup>1219</sup> D219/189, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079820, A35.

<sup>1220</sup> D219/369, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128260, A94-A97.

<sup>1221</sup> D105/6, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A13; D219/248, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A82; D219/346, Written Record of Interview of Witness Tun Soun, 29 May 2015, ERN 01116114-01116115, A72, A80.

<sup>1222</sup> D118/112, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970421, A14; D105/6, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841979, A33.

<sup>1223</sup> D219/248, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095765, A27-A28, ERN 01095768, A59-A60.

<sup>1224</sup> D219/248, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095765, A28 ERN 01095766, A34; *See killings taking place in the morning: D118/155*, Written Record of Interview of



454. The killings largely followed the same pattern: first, the security centre staff and district militiamen dug pits.<sup>1227</sup> Prisoners were then taken out in smaller groups with their hands tied behind their backs and walked to the edge of one of the pits.<sup>1228</sup> Before the killing, some of the prisoners were tied together.<sup>1229</sup> In some instances, the guards first gave prisoners false hope by reading out the names of those who could ostensibly go back to their cooperative, only to kill them thereafter.<sup>1230</sup> Guards killed prisoners<sup>1231</sup> by beating,<sup>1232</sup> stabbing,<sup>1233</sup> cutting their throats<sup>1234</sup> or “smashing” them on their neck<sup>1235</sup> with various instruments; any prisoner who tried to escape was shot.<sup>1236</sup> New prisoners were brought to the security centre once a group of detainees had been executed.<sup>1237</sup>

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Witness Hor Yan, 6 December 2013, ERN 00978591, A40; at noon and dusk: **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A83; at 6 p.m. before dark: **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, 00980468, A25; and at 3 p.m.: **D118/303**, Written Record of Interview of Witness Ly Chhuon, 3 September 2014, ERN 01045499, A60; at night: **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841984, A79; **D118/112**, Written Record of Interview of Witness Ven Nat, 16 October 2013, ERN 00970421, A14; **D219/189**, Written Record of Interview of Witness Soeum Chhoeun, 17 February 2015, ERN 01079822, A45.

<sup>1225</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A84.

<sup>1226</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A13. *See* **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095770, A82.

<sup>1227</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053832, A14; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978591, A39.

<sup>1228</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970430, A61; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A83; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841979, A28. *See also* **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980471, A47.

<sup>1229</sup> **D118/111**, Written Record of Interview Witness Ly Chhuon, 15 October 2013, ERN 00970410, A20. *See also* **D1.3.11.2**, OCP Interview of Witness Aok Chan, 15 August 2008, ERN 00219254.

<sup>1230</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970421, A14.

<sup>1231</sup> **D118/112**, Written Record of Interview of Civil Party Ven Nat, 16 October 2013, ERN 00970430, A61. *See* **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803449, A84.

<sup>1232</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970424, A26, ERN 00970425, A30, ERN 00970430, A61; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803444, A35; **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980469, A30; **D118/111**, Written Record of Interview Witness Ly Chhuon, 15 October 2013, ERN 00970411, A25. *See also* **D1.3.11.2**, OCP Interview of Witness Aok Chan, 15 August 2008, ERN 00219254.

<sup>1233</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970425, A30.

<sup>1234</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970430, A61; **D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076897-01076898, A5. *See* **D219/346**, Written Record of Interview of Witness Tun Soun, 29 May 2015, ERN 01116111, A26.

<sup>1235</sup> **D118/303**, Written Record of Interview of Witness Ly Chhuon, 3 September 2014, ERN 01045500, A66.

<sup>1236</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219282. *See also* **D219/87**, Written Record of Interview of Witness Dok Chann, 21 November 2014, ERN 01056883 A13; **D219/111**, Written Record of Interview Witness Dok Chann, 29 January 2015, ERN 01067765-01067766, A13-14.

<sup>1237</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803448, A74.



455. One former prisoner, Hor Yan, states in one interview that he was detained at Wat Pratheath in 1973.<sup>1238</sup> However, he gives many inconsistent answers regarding the timing of his incarceration.<sup>1239</sup> Given that he was detained for eight months at a time when the Vietnamese troops first attacked Kirivong District, and at a time when **Yim Tith** visited the security centre, it is likely that Hor Yan was at Wat Pratheath in 1977 to 1978.<sup>1240</sup> Hor Yan witnessed killings “countless” times; he states that when the prison reached its maximum capacity, between 50 and 150 persons were killed at a time;<sup>1241</sup> however, he does not specify any number of such occurrences. On one occasion in 1977, Hor Yan saw 30 to 40 prisoners being buried alive under rocks in a pit already containing the corpses of other 30 to 40 executed prisoners, and he later saw the corpses from another execution being dumped on top.<sup>1242</sup> In some instances, prisoners also had their gallbladders cut out while they were still alive.<sup>1243</sup> Hor Yan states that at a point, when the Vietnamese were shelling the site at the end of DK, all shackled prisoners were executed.<sup>1244</sup> However, at that time the witness was no longer at Wat Pratheath and was likely working in a mobile unit.<sup>1245</sup> It is therefore unlikely that he personally witnessed this event.

456. Hor Yan provides evidence on the killing of 30 to 40 prisoners during a visit by **Yim Tith** and Ta Nam, it is unclear, however, if this is the same incident recounted in the previous paragraph. The detainee recalls that **Yim Tith** and Ta Nam stated that there were a lot of “enemies” and thus a number of prisoners should be “cut open”. Ta Nam

<sup>1238</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978587, A10.

<sup>1239</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A12-A13; **D219/326**, Written Record of Interview of Witness Hor Yan, 22 May 2015, ERN 01112038-01112039, A50-A63; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053829, A2, ERN 01053832-01053833, A17-18; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841987, A104.

<sup>1240</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A13-A15, ERN 00978586-00978587, A3-A8, ERN 00978602, A122; *see also* **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053831-01053832, A10-A11, ERN 01053833, A19; **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015 ERN 01095771-01095772, A101-A105, A110, ERN 01095773, A122; **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970424, A26.

<sup>1241</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841979, A31.

<sup>1242</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053832, A13, ERN 01053835, A25; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978591, A40.

<sup>1243</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978590, A30; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841980, A43.

<sup>1244</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053828, A1, ERN 01053833, A18; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978587, A8.

<sup>1245</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588-00978589, A16-A18.



ordered prison chief Pring to do so.<sup>1246</sup> According to this account, the detainee was present 50 metres east of the security centre, outside the compound where the prisoners subsequently had their gallbladders cut out while alive. **Yim Tith** and Ta Nam were present and were given the gallbladders. Within an hour, the prisoners had either died of the injuries or had been killed by having their throats cut.<sup>1247</sup>

457. However, Hor Yan changed his account in a subsequent interview in 2014, stating that he “*did not see what happened*” once the prisoners were taken away to the paddy field. Rather, he only saw the prison staff coming back from there with a “*bunch of gallbladders*” tied together and put in a bucket, which was placed into the vehicle **Yim Tith** and Ta Nam had arrived in, while **Yim Tith** and Ta Nam were sitting four or five metres away. He stated that **Yim Tith** and Ta Nam later got into the vehicle and left.<sup>1248</sup> In a third interview in 2015, Hor Yan again changed his testimony and stated that **Yim Tith**, who was in his car, did not see the killing, but was given the gallbladders kept in a bucket.<sup>1249</sup> Given the discrepancies in the interviews, it cannot be concluded with the necessary certainty that **Yim Tith** was directly present at the very spot where and when the prisoners had their gallbladders cut out and were killed, but it is sufficiently certain he gave the order to “cut open” the prisoners and that he saw the gallbladders being put in a bucket and that he received them together with Ta Nam.
458. Another former detainee, Ven Nat, remembers that all 24 prisoners were killed as Vietnamese forces first advanced on Wat Pratheath sometime in 1977, prior to the one-month suspension of the operation of the prison.<sup>1250</sup> In 1977, Ven Nat saw guards take away about 300 prisoners over the course of a three-month period who were not seen again, the only reasonable inference being that they were killed. Ven Nat personally

<sup>1246</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053830, A5, A7, ERN 01053831, A10; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A14, ERN 00978589, A20, A24, ERN 00978590, A31, ERN 00978591, A34, A39-A40, ERN 00978593, A51.

<sup>1247</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978590-00978591, A26-A35. See **D219/326**, Written Record of Interview of Witness Hor Yan, 22 May 2015, ERN 01112036, A32.

<sup>1248</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053830-01053831, A7-A11.

<sup>1249</sup> **D219/326**, Written Record of Interview of Witness Hor Yan, 22 May 2015, ERN 01112036- 01112037, A32-A33.

<sup>1250</sup> **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095768, A47-A52, ERN 01095768-01095769, A60-A67; **D118/112**, Written Record of Interview of Party Applicant Ven Nat, 16 October 2013, ERN 00970424, A26.



saw 200 prisoners being killed in the subsequent nine months.<sup>1251</sup> By contrast, one former detainee states that he did not witness any killings during 1978, but he saw “*serious offenders*” taken away by the district military.<sup>1252</sup>

459. A former district level cadre who was imprisoned at Wat Pratheat for three months in 1977 saw **Yim Tith** inspecting the detention hall on two occasions.<sup>1253</sup> Shortly after the inspections, prisoners were taken out to be killed.<sup>1254</sup>
460. Several witnesses affirm that Khmer Krom were detained and subsequently killed at the security centre. One witness who lived close to Wat Pratheat states that 67 White Scarves, who came to see Khieu Samphan in 1976, were stopped in Ream Andaek Village, detained at the security centre and then later killed in the paddy field 100 metres from the security centre.<sup>1255</sup> In late 1977, according to a detainee, a group of 70 Khmer Krom soldiers from Ream Andaek Village, Kirivong District, were arrested, detained and interrogated at the security centre and then killed.<sup>1256</sup> Hor Yan also saw a group of Khmer Krom arriving at Wat Pratheat, although he does not know how many. He heard from an unknown source that they were interrogated and killed ten days later.<sup>1257</sup> Furthermore, one civil party applicant, who had been evacuated from Kampuchea Krom to Kirivong District in mid-1978, was told about the arrest and killing of his brothers from a man who had been arrested together with a group of Khmer Krom but had subsequently escaped from Wat Pratheat. The man stated that the

<sup>1251</sup> **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970421, A15, ERN 00970425, A31. *Cf.*: **D219/248**, Written Record of Interview of Civil Party Applicant Ven Nat, 2 April 2015, ERN 01095774, A137-A138.

<sup>1252</sup> **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057800, A32.

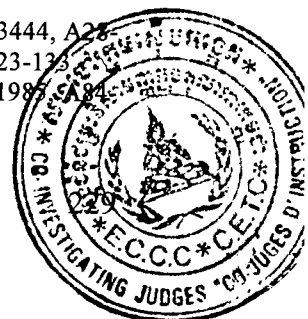
<sup>1253</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803448, A72-A73, ERN 00803450, A96, A98; **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980472, A60.

<sup>1254</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980472-00980473, A61-A69.

<sup>1255</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053840, A45; **D118/22**, Written Record of Interview with Witness Tun Soun, 20 February 2013, ERN 00976608, A28-A29. *See* **D219/121**, Written Record of Interview of Witness Loem Ngen, 11 December 2014, ERN 01057803, A40; **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841985, A85-A87.

<sup>1256</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803443-00803444, A28-32; **D219/369**, Written Record of Interview of Witness Hok Chan, 19 June 2015, ERN 01128262, A123-123.

<sup>1257</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841984-00841985, A90, ERN 00841987, A108.



civil party applicant's three brothers, and probably many more, were killed at Wat Pratheat.<sup>1258</sup>

461. After DK, local villagers opened over 50 mass graves on the eastern side of Wat Pratheat,<sup>1259</sup> which, according to Hor Yan who counted them, contained over 1,700 skulls.<sup>1260</sup> One witness who took part in the exhumations claims that more than 1,000 skulls were exhumed, but not all bodies were exhumed.<sup>1261</sup>
462. Even on a conservative estimate, taking into account potential overlap between witnesses counting killings, at the very least **640** prisoners, including **140** Khmer Krom, were killed at the site since 1975, and very likely many more. This figure is based on: **67** White Scarves Khmer Krom killed in 1976; **70** Khmer Krom soldiers from Ream Andaek Village killed in late 1977; **3** Khmer Krom killed at Wat Pratheat at the end of 1978 after their transfer from Kampuchea Krom; Ven Nat's testimony that, during his initial period of incarceration in early 1977, **300** victims were taken out of their cells to be killed; and **200** killings witnessed by Ven Nat directly in the subsequent nine months.

#### *Visits by Yim Tith*

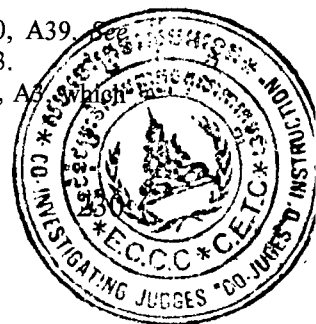
463. It can be concluded that at least between the end of 1976 and early 1978, **Yim Tith** visited the security centre a minimum of three times. During those visits, he questioned prisoners, identified prisoners as enemies, and ordered, passed on the order to, or at the least acquiesced to the interrogation and killing of prisoners.
464. Five witnesses or civil party applicants, including three former detainees, provide evidence on **Yim Tith**'s visits to the crime site.

<sup>1258</sup> **D219/98**, Written Record of Interview of Civil Party Applicant Mam Suo, 26 November 2014, ERN 01077061, A25, ERN 01077063-01077064, A40-A44.

<sup>1259</sup> **D3/9**, Written Record of Interview of Witness Mey Sokhan, 29 September 2010, ERN 00622279, A3, which adopts **D1.3.11.50**, OCP interview of Witness Sokhan Mey, 15 August 2008, ERN 00219277. See **D118/112**, Written Record of Interview of Civil Party Applicant Ven Nat, 16 October 2013, ERN 00970425, A31; **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219282.

<sup>1260</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841980, A39. See **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976609, A33.

<sup>1261</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3, which adopts **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219282.





465. Dok Chann testifies that **Yim Tith** regularly visited the security centre both in its old location in Kouk Prech, and from early 1975 in Wat Pratheat, and met with prison personnel “*from time to time*” to inquire about the food rations given to prisoners.<sup>1262</sup>
466. Dok Chann’s brother, who visited the security centre frequently between the rainy season of 1976 and the collapse of DK, states that he often saw **Yim Tith** at the prison, and whom he identified as a member of the Kirivong District Committee. During this witness’ visits, **Yim Tith** spoke to the security centre staff.<sup>1263</sup>
467. A former prisoner who was detained at Wat Pratheat for three days states that he overheard **Yim Tith** questioning detainees at the security centre on two occasions.<sup>1264</sup> **Yim Tith**’s first visit lasted 20 minutes. A prisoner was taken out of the detention hall to the former monks’ house, **Yim Tith** spoke with him and then with the staff.<sup>1265</sup> On the second occasion, the witness overheard **Yim Tith** having one prisoner brought to him to question him as to where he was from, who was detained with him and why he tried to escape.<sup>1266</sup> The witness states in one interview that these incidents occurred “[p]robably at the end of 1975 or early 1976”, and in another interview that “it happened in late 1976”.<sup>1267</sup> However, he was held in Wat Pratheat at the same time as Ven Nat, who was released in late 1977 after three months of detention and nine months of labour, so it is likely that his evidence relates to 1977.<sup>1268</sup> Despite the inconsistency regarding timing, the witness gives a clear account of the two incidents and identifies **Yim Tith** as District Secretary and District Committee member in several interviews.<sup>1269</sup>

<sup>1262</sup> **D219/86**, Written Record of Interview of Witness Dok Chann, 20 November 2014, ERN 01056973, A3, ERN 01056874, A7, A9, ERN 01056875, A10, A12.

<sup>1263</sup> **D219/108**, Written Record of Interview of Witness You Phnom, 1 December 2014, ERN 01076890-01076891, A2-A3, ERN 01076892-01076893, A8.

<sup>1264</sup> **D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076896, A3.

<sup>1265</sup> **D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076897, A4.

<sup>1266</sup> **D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076898, A6.

<sup>1267</sup> **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2014, ERN 00976607, A17;

**D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076898, A7.

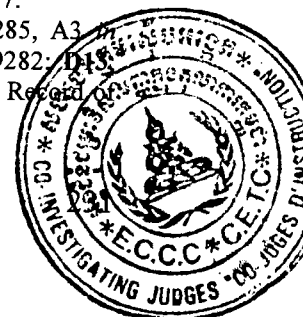
<sup>1268</sup> **D219/110**, Written Record of Interview of Witness Tun Soun, 4 December 2014, ERN 01076897, A4;

**D118/112**, Written Record of Interview of Civil Party Ven Nat, 16 October 2013, ERN 00970421, A17.

<sup>1269</sup> **D3/8**, Written Record of Interview of Witness Tun Soun, 29 September 2010, ERN 00622285, A3.

conjunction with **D1.3.11.56**, OCP Interview of Witness Tun Soun, 15 August 2008, ERN 00219282.

Written Record of Interview of Witness Tun Soun, 6 May 2011, ERN 00698809; **D118/22**, Written Record of Interview of Witness Tun Soun, 20 February 2013, ERN 00976605, A6



468. A second former prisoner detained in 1977 recalls that **Yim Tith** came into the detention hall twice to inspect the shackled prisoners.<sup>1270</sup> While the witness was not able to identify **Yim Tith** in a photograph from January 2011,<sup>1271</sup> he states that he met **Yim Tith** “*frequently*” while working for the Kirivong District Production Unit between 1974 and 1977.<sup>1272</sup> Considering the significant time period between DK and the date of the photograph, and the fact that the witness knew **Yim Tith** during DK, the witness’s failure to identify **Yim Tith** in the photograph does not materially affect the reliability of his evidence.
469. A third former detainee, Hor Yan, recalls seeing **Yim Tith** at Wat Pratheat Security Centre at least once,<sup>1273</sup> likely no later than late 1977 or early 1978.<sup>1274</sup> He identifies him generically as a district committee member,<sup>1275</sup> and was informed ahead of **Yim Tith** and Ta Nam’s visit.<sup>1276</sup> When shown a photograph of **Yim Tith**, the witness was unsure whether it is **Yim Tith** or Ta Nam, before settling for Ta Nam.<sup>1277</sup> Again, the passage of time between the events in question and the date of the photograph explain the witness’ failure to identify **Yim Tith**; his evidence therefore retains sufficient reliability.

<sup>1270</sup> **D118/156**, Written Record of Interview of Ork Chan, 9 December 2013, ERN 00980472, A61-A64, ERN 00980473, A68-A69, ERN 00980474, A75.

<sup>1271</sup> **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803451, A104. The photograph is not referenced in the WRI, nor is it attached as an annex; the photograph shown to the witness is the same as depicted in **D65.1.54**, Attachment 54: Photo of YIM Tith (know as Ta Tith) by Vanthan Peoudara, 22 January 2011, ERN 00704582, which is the only photograph of Yim Tith on the case file.

<sup>1272</sup> **D118/156**, Written Record of Interview of Witness Ork Chan, 9 December 2013, ERN 00980471, A51, ERN 00980474, A76-A77; **D105/5**, Written Record of Interview of Witness Ork Chan, 8 March 2012, ERN 00803445, A41.

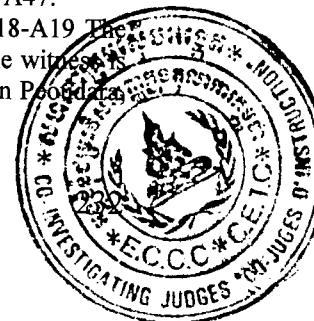
<sup>1273</sup> **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053833, A20, ERN 01053831, A9-A10; *cf.* **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841977, A12, ERN 00841978, A22; **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A13, ERN 00978592, A48.

<sup>1274</sup> *See Role and authority of Yim Tith in the Southwest Zone*, paras 327-352.

<sup>1275</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978588, A14; **D219/55**, Written Record of Interview of Witness Hao Yan, 27 October 2014, ERN 01053833, A19.

<sup>1276</sup> **D118/155**, Written Record of Interview of Witness Hor Yan, 6 December 2013, ERN 00978592, A47.

<sup>1277</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 9 March 2012, ERN 00841978, A18-A19. The photograph is not referenced in the WRI, nor is it attached as an annex; the photograph shown to the witness is the same as depicted in **D65.1.54**, Attachment 54: Photo of YIM Tith (know as Ta Tith) by Vanthan Peoudara, 22 January 2011, ERN 00704582, which is the only photograph of Yim Tith on the case file.



### 5.5.1.2 Kraing Ta Chan Security Centre

#### *Location and establishment*

470. The Kraing Ta Chan Security Centre (“Kraing Ta Chan”) was located in Kraing Ta Chan Village, Kus Commune, in Tram Kak District (or District 105), Sector 13 of the Southwest Zone.<sup>1278</sup> The security centre was situated approximately 20 kilometres west of the town of Takeo.<sup>1279</sup> Kraing Ta Chan was surrounded by forest and situated east of a mountain range.<sup>1280</sup>
471. The centre compound was bordered by at least two rows of fences, which were about 100 metres apart.<sup>1281</sup> There may have been an additional middle fence about 50 metres from the inner fence.<sup>1282</sup> The fences were made out of wooden posts connected with

<sup>1278</sup> **D6.1.779**, Written Record of Interview of Witness Keo Mao, 29 October 2007, ERN 00163472; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380133; **D6.1.149**, Site Identification Report, 17 March 2009, ERN 00363337; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980280, A14-A15; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426282, A5-A6. *Contra* **D219/40**, Written Record of Interview of Witness Phann Chhen, 11 October 2014, ERN 01053634, A31.

<sup>1279</sup> **D6.1.149.36**, GPS track showing the route to Kraing Ta Chan Security Centre, 17 March 2009, ERN 00363332; **D6.1.149**, Site Identification Report, 17 March 2009, ERN 00363338.

<sup>1280</sup> **Forest: D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426285, A27; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067040, A69; **D118/209**, Written Record of Interview of Witness Ul Hoeun, 19 March 2014, ERN 00983570, A26; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031768, A46; **D315.1.20**, Transcript of Hearing on the Substance in Case 002/02 [Ek Hoeun alias Ul Hoeun], 7 May 2015, ERN 01498644, lines 6-12. **Mountain range: D315.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 25 February 2015, ERN 01448444, lines 19-21; **D118/209**, Written Record of Interview of Ul Hoeun, 19 March 2014, ERN 00983574, A52; **D6.1.149.36**, Annex C: Fig1 GPS track showing the route to Kraing Ta Chan Security Centre and Fig 2 Indication of the position of Kraing Ta Chan (KTC) Security Centre, 17 March 2009, ERN 00363332.

<sup>1281</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498; **D315.2.1**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 8 January 2015, ERN 01056464, lines 11-12; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395142, lines 17-21, ERN 01395142; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405180, lines 1-7; **D315.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 24 February 2015, ERN 01406666-01406667, lines 6-9, ERN 01406692, lines 3-4; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426285, A33; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512; **D315.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405015, ERN 01405039; **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394847, lines 10-17; **D6.1.149**, Site Identification Report, 17 March 2009, ERN 00363338; **D6.1.781**, Written Record of Interview of Witness Thang Siev, 29 October 2007, ERN 00223470.

<sup>1282</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512; **D6.1.119**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405015, ERN 01405039.



barbed wire.<sup>1283</sup> Outside the fenced compound were rice fields where some prisoners were sent to work.<sup>1284</sup>

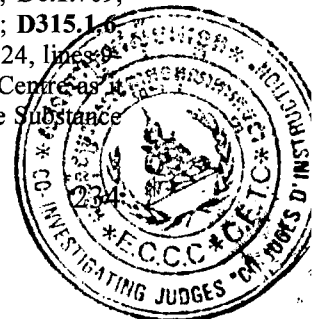
472. The evidence is unclear about the number of detention buildings; there may have been two to four of them, each approximately five to six metres wide and 20 metres long, located in the eastern and western parts of the compound.<sup>1285</sup> The security centre also contained an interrogation building, an administration building and a kitchen or dining area.<sup>1286</sup>

<sup>1283</sup> **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426285, A28; **D315.2.1**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 8 January 2015, ERN 01410521-01410522; *confirmed in* **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395142, lines 20-21; **D6.1.781**, Written Record of Interview of Witness Thaong Siev, 29 October 2007, ERN 00223470.

<sup>1284</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498; **D315.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405030-01405031.

<sup>1285</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha, 31 October 2007, ERN 00223496, ERN 00223501. *See also* **D6.1.778**, Written Record of Interview of Witness Kev Chandara, 10 September 2008, ERN 00223458; **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Kev Chandara], 4 February 2015, ERN 01394795, lines 23-25; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223488; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067035, A34. *Contra* **D315.1.7**, Transcript of Hearing on the Substance in Case 002 [Srei Than], 24 February 2015, ERN 01406662, lines 6-8; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395142, lines 8-11; **D364/2.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Saut Saing], 24 March 2015, ERN 01480424-01480425; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405123-01405124, lines 22-25. Two buildings: **D6.1.785**, Written Record of Interview of Witness Sok Soth, 31 October 2007, ERN 00223506; **D6.1.779**, Written Record of Interview of Witness Kev Mao, 29 October 2007, ERN 00163474; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223550; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426285, A27; **D315.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 24 February 2015, ERN 01406661, lines 22-24, ERN 01406692, line 7. *Contra* **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223212. Three buildings: **D315.2.1**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 8 January 2015, ERN 01410522, lines 6-8; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395129, lines 10-13; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223501; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D364/2.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Saut Saing], 24 March 2015, ERN 01480424-0148025, lines 23-26. *See also* **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Vann Soeun], 4 March 2015, ERN 01495395, lines 24-25. Four buildings: **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510, ERN 00225504. *See also* **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982649, A120.

<sup>1286</sup> **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426286, A34-A36; **D6.1.149.37**, Annex D Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say Sen, ERN 00363333; **D315.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405026, lines 1-4, ERN 01405030, lines 7-10. *See* **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231677, ERN 00231675; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434690, A11-A15; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405124, lines 13, lines 20-21; **D6.1.149.38**, Annex E Plan of compound of the former Kraing Ta Chan Security Centre as it appeared on 5 March 2009, 17 March 2009, ERN 00363334; **D315.2.2**, Transcript of Hearing on the Substance



473. Kraing Ta Chan was established in 1972 or 1973,<sup>1287</sup> and operated until the arrival of the Vietnamese at the end of DK.<sup>1288</sup> A stupa now stands where the site was; none of the original buildings remain.<sup>1289</sup>

### *Structure and personnel*

474. Chhen was the first chairperson of the security centre.<sup>1290</sup> An replaced him around mid-1975 and remained in this position until the end of DK.<sup>1291</sup> Duch Thom (alias Iep Duch)

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in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395142, lines 14-16; **D315.2.1**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 8 January 2015, ERN 01410522, lines 6-8 ; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 4 March 2015, ERN 01495417, lines 17-19.

<sup>1287</sup> **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 08 December 2009, ERN 00426283, A12, A14, ERN 00426284, A19, A21; **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517, ERN 00223520; **D6.1.778**, Written Record of Interview of Witness Keo Chandara, 29 October 2007, ERN 00223452; **D118/103.1**, Written Record of Interview of Witness Phan Chhen, 2 March 2010, ERN 00490542, A51, A53, A57-A58; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969621, A14; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380132-00380133. *See also* **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000699, A271; **D315.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 25 February 2015, ERN 01448413; **D315.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 24 February 2015, ERN 01406689; **D219/522**, Written Record of Interview of Witness Hun Kimseng, 15 September 2015, ERN 01168011, A22; **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970069, ERN 00970073, A47. *Contra* **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223478.

<sup>1288</sup> **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517; **D6.1.123**, Written Record of Interview of Witness Srei Than alias Duch, 16 September 2008, ERN 00231675; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223209; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434688, A1-A2; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031766, A41, ERN 01031767, A43.

<sup>1289</sup> **D6.1.149**, Site Identification Report, 17 March 2009, ERN 00363338; **D6.1.149.38**, Annex E: Plan of compound of the former Kraing Ta Chan Security Centre as it appeared on 5 March 2009, 17 March 2009, ERN 00363334; **D315.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 25 February 2015, ERN 01448442-01448443, lines 16-25, lines 1-3.

<sup>1290</sup> **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969620, A12, ERN 00969621, A14-A16, ERN 00969623, A38, A50; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225506; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380134; **D6.1.690**, Written Record of Interview of Witness Pech Chim, 6 December 2009, ERN 00422342; **D6.1.1089**, Written Record of Interview of Witness Keo Chandara, 12 March 2008, ERN 00205090; **D6.1.778**, Written Record of Interview of Witness Keo Chandara, 29 October 2007, ERN 00223455.

<sup>1291</sup> **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380136-00380137; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225506; **D315.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405032, lines 3-5; **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394848, lines 15-17; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405130, lines 18-19; **D6.1.211**, Report on the sending of people to District 105 Police, 25 September 1978, ERN 00322226; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434689, A4, ERN 00434693, A42-A43, ERN 00434695-00434696, A70-A72; **D364/2.1.5**, Transcript of Hearing on the Substance in Case 002/02 [Saut Saing], 24 March 2015, ERN 01480395, lines 8-10; **D219/899.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Vong Sarun], 18 May 2015, ERN 01425532, lines 4-5, ERN 01425554, line 8; **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970070, A14; **D6.1.781**, Written Record of Interview of Witness Thaong Siev, 29 October 2007, ERN 00223469; **D6.1.690**, Written Record of Interview of Witness



worked as An's deputy until he was sent to Kampong Cham in 1976 and was replaced by Penh.<sup>1292</sup>

475. The staff at the security centre consisted of about 12 people,<sup>1293</sup> divided into a guard and a leadership unit.<sup>1294</sup> The guard unit comprised at least six guards including witnesses Saut Saing, Saing Sim, and Duch Touch (alias Srei Than, also referred to as *small Duch*).<sup>1295</sup> As prison chief, An was the head of the leadership unit whose

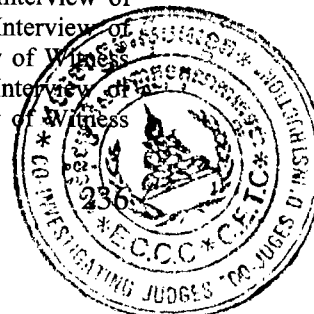
Pech Chim, 6 December 2009, ERN 00422342, A32; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436754, line 24. *See* **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057708, A189, ERN 01057710, A201; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067047, A118; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480293, lines 17-18; **D118/276**, Written Record of Interview of Civil Pary Applicant Uk Him, 14 July 2014, ERN 01031771, A64, ERN 01031772-01031773, A69, A72; **D118/79**, Written Record of Interview of Witness Pech Chim, 26 June 2013, ERN 00947192, A43; **D118/166**, Written Record of Interview of Witness Toem Hy, 6 December 2013, ERN 00980269; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980283, A39; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395114, lines 3-4; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970120, A53. *Cf.* **D118/103.1**, Written Record of Interview of Witness Phan Chhen, 2 March 2010, ERN 00490543, A60-61; **D315.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 25 February 2015, ERN 01448480, lines 15-17. *Contra* **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969623, A38, ERN 00969625, A50; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nuov], 16 March 2015, ERN 01491801, lines 4-8.

<sup>1292</sup> **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970070, A14; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969623, A33; ERN 00969623, A38, ERN 00969625, A54; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225506, ERN 00225511-00225512; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436754, lines 24-25; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970121, A57-A59; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969623-00969624, A38.

<sup>1293</sup> **D6.1.784**, Written Record of Interview of Meas Sokha alias Thlang, 31 October 2007, ERN 00223499; **D6.1.1000**, Written Record of Interview of Witness Vann Soeun, 29 November 2007, ERN 00223210; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225507; **D6.1.779**, Written Record of Interview of Witness Kev Mao, 29 October 2007, ERN 00163473; **D6.1.788**, Written Record of Interview of Witness Nieng Dam, 1 November 2007, ERN 00223518; **D134/8**, Written Record of Interview of Sotr Saing, 25 November 2013, ERN 00970121, A54.

<sup>1294</sup> **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433571; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223549; **D134/8**, Written Record of Interview of Witness Sotr Sain, 25 November 2013, ERN 00970121, A54. *Contra* **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225506.

<sup>1295</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970122, A69; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980283, A41; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969624, A41; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433570. *Contra* **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970123, A71; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980302, A204; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970121, A56; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969625, A54; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225505, ERN 00225506; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223210; **D6.1.123**, Written Record of Interview of



members were Penh, Cheng, Meoun, and Sieng; they commanded the guards and also participated in the interrogation and killing of prisoners.<sup>1296</sup>

476. Kraing Ta Chan Security Centre was controlled by the Tram Kak District Committee, which reported to the Sector 13 Committee.<sup>1297</sup> The Tram Kak District Committee was subject to several changes during DK. Ta Mok's eldest daughter Yeay Khom was district secretary from the beginning of DK until March 1976.<sup>1298</sup> Her former deputy

Srei Than, 16 September 2008, ERN 00231674; **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970070, A14; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434688, ERN 00434689, A3; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433569. See **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395114, lines 1-13; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970120, A53, ERN 00970121, A54; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067063, A238, ERN 01067064, A244, A246-A247.

<sup>1296</sup> **D6.1.784**, Written Record of Interview of Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D6.1.785**, Written Record of Interview of Witness Sok Soth, 31 October 2007, ERN 00223506; **D6.1.1000**, Written Record of Interview of Witness Vann Soeun, 29 November 2007, ERN 00223210; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 08 December 2009, ERN 00426286, A37; **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223462; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970121, A55, A57, A61; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969625, A53-A54; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433570, ERN 00433574; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223549; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 Van Soeun, 4 March 2015, ERN 01495428.

<sup>1297</sup> **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517, ERN 00223520; **D118/103.1**, Written Record of Interview of Witness Phan Chhen, 2 March 2010, ERN 00490542, A51, A53, A57-A58; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057708, A187; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067058, A204; **D364/2.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 5 February 2015, ERN 01415656, lines 23-25; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380132-00380133. *Contra* **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380134; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381025; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 08 December 2009, ERN 00426286, A41; **D219/40**, Written Record of Interview of Witness Phan Chhen, 11 October 2014, ERN 01053635, A35; **D315.1.8**, Transcript of hearing on the substance in Case 002/02 Phan Chhen, 25 February 2015, ERN 01448480, lines 17-19; **D347/2.1.35**, Transcript of Hearing on the Substance in Case 002/02 [Henri Locard], 1 August 2016, ERN 01351367-01351368; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434688, A3; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223478; **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970069, ERN 00970073; **D315.1.7**, Transcript of Hearing on the Substance in Case 002/02 [Phann Chhen], 24 February 2015, ERN 01406689, lines 6-11.

<sup>1298</sup> **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380135; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 08 December 2009, ERN 00426282, A7; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057681, A28, ERN 01057724, A284. See also **D315.1.20**, Transcript of Hearing on the Substance in Case 002/02 [Ek Hoem alias Ul Hoem], 7 May 2015, ERN 01498653, line 18, ERN 01498613, lines 20-21; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480259, lines 22-23; **D315.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 21 April 2015, ERN 01422190, lines 14-15. See **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223474.



Keav replaced her until May or June 1976.<sup>1299</sup> After June 1976, former district secretary Pech Chim (1970 to 1973) returned as an interim district secretary until around February 1977 when he was transferred to Kampong Cham in the Central Zone.<sup>1300</sup> His elder brother Kith took over until he was transferred to Kandal Province after June 1977.<sup>1301</sup> He was succeeded by Ta Chay,<sup>1302</sup> until the latter was finally replaced in late 1977 by Neang Ouch alias Ta San, who held the position of District Secretary until the end of DK.<sup>1303</sup>

477. Communes within Tram Kak District reported to the District about “*enemy activity*” and carried out arrests, either in accordance with instructions from the District, or sometimes on their own accord, followed immediately by a report to, and request for

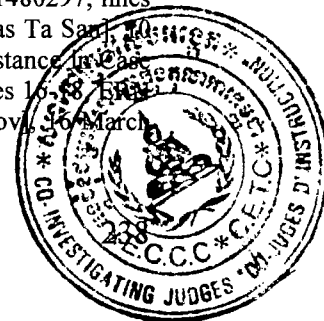
<sup>1299</sup> **D315.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 21 April 2015, ERN 01422195, lines 16-17; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380135-00380136; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223474.

<sup>1300</sup> District secretary 1970-73: D118/133, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969622, A27. District secretary 1976-77: D6.1.650, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379170; **D315.2.5**, Transcript of Hearing on the Substance in Case 002/02, 17 February 2015, ERN 01477053, lines 4-6; **D364/2.1.2**, Transcript of Hearing on the Substance in Case 002/02, 5 February 2015, ERN 01415655, lines 9-11; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223474. *See also* **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379306.

<sup>1301</sup> **D364/2.1.4**, Transcript of hearing on the substance in Case 002/02 [Neang Ouch alias Ta San], 9 March 2015, ERN 01475604, lines 9-11, ERN 01475611; **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480222; **D6.1.651**, Written Record of Interview of Witness Pech Chim, 26 August 2009, ERN 00379306; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223474; **D6.1.650**, Written Record of Interview of Witness Pech Chim, 25 August 2009, ERN 00379171; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, A28, ERN 01057681, ERN 01057681-01057682, A29. *See* **D315.1.8**, Transcript of Hearing on the Substance in Case 002/02 [Phan Chhen], 25 February 2015, ERN 01448478, line 17.

<sup>1302</sup> **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480296, lines 15-25, ERN 01480292; **D315.1.9**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun alias Vann Soan], 3 March 2015, ERN 01116684; **D364/2.1.4**, Transcript of hearing on the substance in Case 002/02 [Neang Ouch alias Ta San], 9 March 2015, ERN 01475603-01475604; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057681, A27, ERN 01057681, A28; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Son Riel], 17 March 2015, ERN 01493729, lines 12-14.

<sup>1303</sup> **D315.1.9**, Transcript of hearing on the substance in Case 002/02 [Van Soeun alias Vann Soan], 3 March 2015, ERN 01116680, lines 17-19, ERN 01116684; **D6.1.295**, Report on admissions made by Region 105, 18 October 1977, ERN 00388574 [signed by Neang 17 October 1977]; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057681, A28; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223474; **D315.2.6**, Transcript of Hearing on the Substance in Case 002/02 [Riel Son], 17 March 2015, ERN 01493731, lines 11-12. *See* **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480296, lines 15-25, ERN 01480297, lines 1-4. *Contra* **D315.1.14**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 10 March 2015, ERN 01480292, lines 10-13. *Contra* **D364/2.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 9 March 2015, ERN 01475539, lines 4-7, ERN 01475590, lines 16-18, ERN 01475604, lines 4-5; **D315.1.17**, Transcript of Hearing on the Substance in Case 002/02 [Nut Nov], 16 March 2015, ERN 01491765, lines 7-23.





further instructions and confirmation from, the District.<sup>1304</sup> District 105 forwarded the reports received from the communes to An with annotated instructions to arrest, interrogate, or “*smash*” prisoners.<sup>1305</sup>

478. On occasion, district officials instructed the communes to send prisoners directly to Kraing Ta Chan,<sup>1306</sup> and commune level cadres at times communicated directly with An: they delivered prisoners, conveyed instructions from the District, and shared intelligence.<sup>1307</sup> On occasion, An responded by letter.<sup>1308</sup>

479. At Kraing Ta Chan, prisoner lists and the “*confessions*” of interrogated prisoners were recorded in notebooks, typed up and sent to the District 105 Office at Angk Roka

<sup>1304</sup> See **D6.1.251**, Report on Actions of Mou Phon from Nhenhang sub-district, 28 April 1977, ERN 00322142; **D6.1.1215**, Report on enemy's actions for Tram Kak District Police, 5 March 1977, ERN 00276562-00276570; **D6.1.1217**, Report on the actions of the new people in Trach village, 6 May 1977, ERN 00276576-00276577; **D6.1.1223**, Report on the enemy's actions to the Party in Tram Kak District, 11 September 1977, ERN 00276578-00276580; **D6.1.1221**, Report to the Tram Kak branch of the CPK, 6 December 1977, ERN 00276590; **D6.1.234**, Report on Sao Phan, a new citizen, 3 May 1977, ERN 00322121; **D6.1.255**, Report on Lady Than Ni to Angkar in District 105, 4 May 1977, ERN 00322143; **D6.1.262**, Report on those from Vietnam who are staying in Tram Kak District, 5 June 1977, ERN 00322147; **D6.1.300**, Report on Va and Pen San, who lived in Khum Nhe Nhang, 17 December 1977, ERN 00322181; **D6.1.279**, Report on King Hin and Hy Dy, 6 September 1977, ERN 00355473-00355474; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057701, A145-A146, ERN 01057710, A206 ERN 01057711, A207 A208 A209.

<sup>1305</sup> **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223479. Examples of instructions to “smash” prisoners: **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276593-00276597; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322114-00322115; **D347/2.1.7**, Report from Ann entitled “Office of Education of District 105, 25 August 1977, ERN 00694356. Examples of instructions to further investigate/interrogate: **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276598-00276603; **D6.1.237**, Report to the Party on Kim Vanny, a Chinese, 7 March 1977, ERN 00322124-00322129; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322210, ERN 00322216; **D6.1.1221**, Report to the Tram Kak branch of the CPK, 6 December 1977, ERN 00276591. Examples of instructions to arrest: **D6.1.251**, Report on actions of Mou Phon from Nhenhang sub-district, 28 April 1977, ERN 00322142; **D6.1.276**, Confirmation based on the response by Try, a traitor, in Ta Pem sub-district, 2 September 1977, ERN 00322156; **D6.1.299**, Report on new people from District 109 who stayed in Sre Ranong sub-district, 2 November 1977, ERN 00322177; **D6.1.209**, Report on enemy’s actions to 109 District Police, 27 July 1978, ERN 00322217-00322225; **D6.1.211**, Report on the sending of people to District 105 Police, 25 September 1978, ERN 00322226.

<sup>1306</sup> **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322206-00322209; **D6.1.307**, Report on people sent to education department 105, 16 January 1978, ERN 00362227-00362228, ERN 00362230; **D6.1.302**, Report to Comrade Ann on three people, 13 December 1977, ERN 00364289-00364290.

<sup>1307</sup> See e.g. **D6.1.307**, Report on people sent to education department 105, 16 January 1978, ERN 00362227-00362228; **D6.1.260**, Report on the enemy’s actions, 14 May 1977, ERN 00369465; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969633, A111.

<sup>1308</sup> See e.g. **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276597.

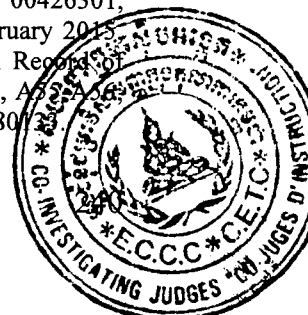


Market in Cheang Tong Commune, about seven to eight kilometres from Kus Commune.<sup>1309</sup>

480. District 105 forwarded these documents to Sector 13.<sup>1310</sup> The reports were returned to An with instructions from District 105 or Sector 13 to “purge”, “smash” or further

<sup>1309</sup> **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276593-00276597; **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276598-00276603; **D6.1.1220**, Name list of prisoners of Educating District Office 105 had been sweep up, 22 June 2018 (filing date), ERN 00290204-00290259; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322114-00322115; **D6.1.230**, Report on Sie Song Leang, 14 November 1976, ERN 00322117-00322119; **D6.1.205**, Report on a prisoner's confession to the education office of District 105, 5 July 1978, ERN 00322201-00322205; **D347/2.1.7**, Report from Ann entitled "Office of Education of District 105, 25 August 1978, ERN 00694355-00694356; **D6.1.1210**, Report on number of prisoners, 19 March 2009 (filing date), ERN 00290199-00290201; **D6.1.202**, Prisoner's confession in March 1978, 1 March 1978, ERN 00834792-00834834; **D6.1.218**, 5<sup>TH</sup> Confession entitled “Contemptible traitors Pol Pot and Ieng Sary”, 13 October 2011 (filing date), ERN 00747236-00747298; **D6.1.224**, Report to the Party on admission by Voeun, very young girl, 27 March 2009 (filing date), ERN 00322106-00322109; **D6.1.275**, Victim's background, 3 December 2012 (filing date), ERN 00866424-00866463; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434691, A29 ERN 00434692, A30, A33; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405131-01405132, ERN 01405136, ERN 01405137-01405138, ERN 01405140; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969629, A81; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970123, A72. *See also* **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970121, A56; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436748, line 23; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980281, A25, ERN 00980282, A29; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Vann Soeun], 4 March 2015, ERN 01495399, lines 2-3. *Contra* **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970070, A16-A17; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067047, A118, A121; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969629, A80; **D118/166**, Written Record of Interview of Witness Toem Hy, 06 December 2013, ERN 00980269. *Location of the District Office:* **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980281, A22, ERN 00980284, A48; **D118/208**, Written Record of Interview of Witness Ul Hoeun, 4 March 2014, ERN 00981820, A84; **D118/172**, Written Record of Interview of Witness Neang Ouch, 29 January 2014, ERN 00980873-00980874, A52; **D364/2.1.4**, Transcript of Hearing on the Substance in Case 002/02 [Neang Ouch alias Ta San], 9 March 2015, ERN 01475569, lines 1-8; **D315.1.19**, Transcript of Hearing on the Substance in Case 002/02 [Pech Chim alias Ta Chim], 21 April 2015, ERN 01422199, lines 2-19; **D118/166**, Written Record of Interview of Witness Toem Hy, 27 March 2014, ERN 00980268; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057683, A39, ERN 01057705, A165. *Contra* **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426285, A26; **D315.1.7**, Written Record of Interview of Witness [Phann Chhen], 24 February 2015, ERN 01406705-01406706.

<sup>1310</sup> **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381024-00381025; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380132- 00380134, ERN 00380136, ERN 00380139; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223482; **D6.1.1200**, Report on admissions of prisoners from District 105 to Party, 30 July 1977, ERN 00276593; **D6.1.695**, Written Record of Interview of Witness Phan Chhen, 9 December 2009, ERN 00426301, A20-A23; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405132, lines 1-7, ERN 01405136, ERN 01405138, ERN 01405140; **D118/167**, Written Record of Interview of Witness Van Soeun, ERN 00980283, A40, ERN 00980284, A48-A49, ERN 00980285, A50; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380132-00380134.



investigate.<sup>1311</sup> The words “*purge*” and “*smash*” were used interchangeably to mean kill.<sup>1312</sup>

481. Correspondence from the upper echelons often led to “*work to do*” for the executioners at Kraing Ta Chan.<sup>1313</sup> On at least one occasion Sector Secretary Saom informed Ta Mok about the killing of prisoners at Kraing Ta Chan.<sup>1314</sup>
482. Kraing Ta Chan prison officials at least once every three days, but sometimes daily,<sup>1315</sup> reported to the District about study meetings, prisoner numbers (including deaths and killings), food consumption, and agricultural activity.<sup>1316</sup>
483. District 105 cadres regularly visited Kraing Ta Chan, and Ta Mok visited the security centre occasionally.<sup>1317</sup>

#### *Arrests*

484. Shortly after the “*liberation*” of Phnom Penh, District 105 called the village and commune chairpersons to a meeting to announce the policy to purge those with

<sup>1311</sup> **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276600-00276601; **D6.1.237**, Report to the Party on Kim Vanny, a Chinese, 7 March 1977, ERN 00322124; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322210, ERN 00322216; **D6.1.1221**, Report to the Tram Kak branch of the CPK, 6 December 1977, ERN 00276591; **D6.1.1200**, Report on admissions of prisoners from District 105 to Party, 30 July 1977, ERN 00276593-00276595; **D6.1.229**, Report to the Party on Prisoners, 4 August 1976, ERN 00322114-00322115; **D6.1.279**, Report on King Hin and Hy Dy, 6 September 1977, ERN 00355474; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057720, A259, ERN 01057721, A264; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380132-00380133; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381024-00381025; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433570-00433573; **D6.1.695**, Written Record of Interview of Witness Phan Chhen, 9 December 2009, ERN 00426300, A10, ERN 00426301, A20-A23.

<sup>1312</sup> **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 Van Soeun, 4 March 2015, ERN 01495394, lines 1-4; **D118/242**, Written Record of Interview of Witness Khoem Boeun, 21 May 2014, ERN 01057721, A264; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381025; **D6.1.695**, Written Record of Interview of Witness Phan Chhen, 9 December 2009, ERN 00426301, A23.

<sup>1313</sup> **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980285, A55; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511.

<sup>1314</sup> **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380137-00380138.

<sup>1315</sup> **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980282, A33. Cf. **D118/166**, Written Record of Interview of Witness Toem Hy, 06 December 2013, ERN 00980269.

<sup>1316</sup> **D6.1.1222**, Report sent to respected and beloved Comrade Kit, Tram Kak district, July 1977, ERN 00276557-00276558.

<sup>1317</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225506; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969623, A33; **D315.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 6 February 2015, ERN 01405036, lines 10-18.



connections to the Khmer Republic, especially those who held senior ranks in the Lon Nol Army as well as senior civil servants.<sup>1318</sup> After the meeting, arrests intensified.<sup>1319</sup>

485. People were brought to Kraing Ta Chan from all over Tram Kak District.<sup>1320</sup> They were arrested because of having connections to the Khmer Republic, escaping from worksites, “stealing” food, committing “moral offences”, refusing to marry or consummate the marriage, allowing their children to flee to Vietnam, or complaining about living conditions.<sup>1321</sup> Many prisoners were classified as CIA or KGB spies.<sup>1322</sup>

<sup>1318</sup> **D6.1.671**, Written Record of Interview of Witness Riel San, 29 October 2009, ERN 00412172, A9; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067060, A214-A218; **D118/242**, Written Record of Interview of Witness Khoem Boern, 21 May 2014, ERN 01057720, A254-A255; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223476-00223477; **D6.1.686**, Written Record of Interview of Witness Sao Hean, 21 November 2009, ERN 00413899, A22.

<sup>1319</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067060, A217-A218; **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394851-01394852.

<sup>1320</sup> See e.g. **D6.1.534**, Confession of Chhon, 1 March 1978, ERN 00143479; **D6.1.1224**, Number of prisoners, 28 January 2009 (filing date), ERN 00276559-00276560; **D6.1.1215**, Report on enemy’s actions for Tram Kak District Police, 5 March 1977, ERN 00276562-00276563, ERN 00276565; **D6.1.1200**, Report on admissions of prisoners from District 105 to Party, 30 July 1977, ERN 00276593-00276596; **D6.1.1216**, Number of people who come from Kampuchean Krom to stay in Ang Ta Saom sub-district, Tram Kak District, 30 April 1977, ERN 00290262-00290263; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322114-00322116; **D6.1.230**, Report on Sie Song Leang, 14 November 1976, ERN 00322117-00322119; **D6.1.234**, Report on Sao Phan, a new citizen, 2 January 1977, ERN 00322120-00322121; **D6.1.235**, Report to Angkar on the sending of four people, 9 January 1977, ERN 00322123; **D6.1.237**, Report to the Party on Kim Vanny, a Chinese, 7 March 1977, ERN 00322128-00322129; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.251**, Report on actions of Mou Phon from Nhenhang sub-district, 28 April 1977, ERN 00322142; **D6.1.255**, Report on Lady Than Ni to Angkar in District 105, 4 May 1977, ERN 00322143; **D6.1.262**, Report on those from Vietnam who are staying in Tram Kak District, 5 June 1977, ERN 00322147; **D6.1.276**, Confirmation based on the response by Try, a traitor, in Ta Pem sub-district, 2 September 1977, ERN 00322156; **D6.1.299**, Report on new people from District 109 who stayed in Sre Ranong sub-district, 2 November 1977, ERN 00322176; **D6.1.300**, Report on Va and Pen San, who lived in Khum Nhe Nhang, 5 December 1977, ERN 00322181; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322194, ERN 00322199; **D6.1.205**, Report on a prisoner’s confession to the education office of District 105, 5 July 1978, ERN 00322203-00322204.

<sup>1321</sup> **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166209, A44; **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405139, lines 6-14; **D6.1.205**, Report on a prisoner’s confession to the education office of District 105, 5 July 1978, ERN 00322201-00322202; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D6.1.788**, Written Record of Interview of Witness Nieng Dam, 1 November 2007, ERN 00223517; **D219/2**, Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044898, A20; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031768, A47; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166453; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982651, A132; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223487-00223488; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067045, A104, A106, ERN 01067046, A109. Refusal to get married: **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067090, A461, A464, ERN 01067093, A485, ERN 01067094, A495, ERN 01067095, A509, ERN 01067096, A513-A517. Threatened with being sent to Kraing Ta Chan for refusing to marry:

**D6.1.682**, Written Record of Interview of Witness Phneou Yav, 12 November 2009, ERN 00410250, A32

<sup>1322</sup> **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572

**D6.1.788**, Written Record of Interview of Witness Nieng Dam, 1 November 2007, ERN 00223517;



Sometimes, whole families were arrested together, whereas at other times the men were arrested first and their wives and children later.<sup>1323</sup>

486. Arrests were carried out by soldiers as well as district and commune militia.<sup>1324</sup> Usually, people arrested by militia were first brought to the district hall for interrogation, after which they were taken to Kraing Ta Chan if they were considered “serious offenders”.<sup>1325</sup> Those arrested were taken there with their hands tied behind their backs.<sup>1326</sup> Upon arrival at the security centre, prisoners were brought to the outer

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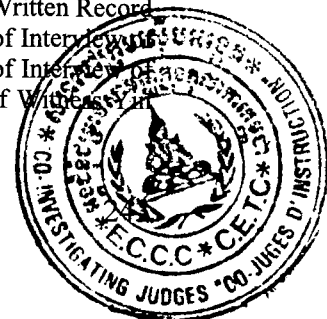
Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044898, A20; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031768, A47; **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380134; **D6.1.692**, Written Record of Interview of Witness Phan Chhen, 8 December 2009, ERN 00426289, A53; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512; **D6.1.785**, Written Record of Interview of Witness Sokh Sot, 31 October 2007, ERN 00223505.

<sup>1323</sup> **D315.2.1**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 8 January 2015, ERN 01410518, line 25, ERN 01410518-01410519; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031766, A42; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223488; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223463; **D219/2**, Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044901, A39-A40; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031769, A51; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980289, A90; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496.

<sup>1324</sup> **D118/242**, Written Record of Interview of Witness Khoem Boeurn, 21 May 2014, ERN 01057720, A255-A256, ERN 01057727, A310; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674. Arrests by commune militia: **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166452. *See also* **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225502, ERN 00225505-00225506; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166452; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969633, A111; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031762, A23-A24.

<sup>1325</sup> **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980286, A60, ERN 00980287, A75, ERN 00980294, A130; **D6.1.260**, Report on the enemy's actions, 27 January 1978, ERN 00369489; **D6.1.307**, Report on people sent to education department 105, 16 January 1978, ERN 00362229; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381024-00381025; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D6.1.785**, Written Record of Interview of Witness Sokh Sot, 31 October 2007, ERN 00223505; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394843, lines 8-12, ERN 01394845, lines 4-7.

<sup>1326</sup> **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434690, A19-A20; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223211; **D6.1.788**, Written Record of Interview of Witness Nieng Dam, 1 November 2007, ERN 00223517; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225502; **D6.1.123**, Written Record of Interview of Witness Srey Than alias Duch, 16 September 2008, ERN 00231674; **D6.1.779**, Written Record of Interview of Witness Kev Mao, 29 October 2007, ERN 00163472; **D219/135**, Written Record of Interview of Witness Teng, 29 December 2014, ERN 01067042, A84.



fence of the compound where they were received by guards from Kraing Ta Chan.<sup>1327</sup> The people who had escorted them to Kraing Ta Chan were not permitted to enter the compound.<sup>1328</sup> The evidence varies as to the frequency, but it is clear that there was a steady flow of new prisoners, who arrived both during the day and at night.<sup>1329</sup>

487. A report from Kraing Ta Chan to the District Committee for the month of July 1977 states that 18 new prisoners arrived that month, resulting in a total of 81 detainees at the time. Of these 81 detainees, two died of disease and 39 were executed, leaving a total prisoner population of 40.<sup>1330</sup> A similar report for the month of November 1977 puts the total prisoner population at 85, with 75 new prisoners, 92 having been previously “purged” and six having died of other causes.<sup>1331</sup>
488. The remaining evidence on numbers of detainees varies widely: former prison guards’ accounts oscillate between one and 40.<sup>1332</sup> One witness estimates that during one month 20 to 25 new prisoners were brought in.<sup>1333</sup> Another states that during the 15 days he was detained, 20 to 30 new prisoners arrived each day.<sup>1334</sup> Say Sen, who was detained from 1973 until the end of DK, recalls that in the period after 17 April 1975 between 70

<sup>1327</sup> **D6.1.123**, Written Record of Interview of Witness Srey Than alias Duch, 16 September 2008, ERN 00231674; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225508-00225509; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436756; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067034, A28, ERN 01067043, A94, ERN 01067063, A238, A239.

<sup>1328</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225508-00225509.

<sup>1329</sup> **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067042, A81-A82; **D219/2**, Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044900, A34; **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166212, A71, ERN 01166214, A87; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 4 March 2015, ERN 01495395, lines 11-12; **D6.1.123**, Written Record of Interview of Witness Srey Than alias Duch, 16 September 2008, ERN 00231674; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223211; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223550; **D6.1.123**, Written Record of Interview of Witness Srei Than, 16 September 2008, ERN 00231674. See also **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223550.

<sup>1330</sup> **D6.1.222**, CPK Report to Tram Kak District, July 1977, ERN 00276557-00276558.

<sup>1331</sup> **D6.1.1226**, Report on prisoners by late November 1977, November 1977, ERN 00276555.

<sup>1332</sup> **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434690, A20; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970124, A82. See also **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223476.

<sup>1333</sup> **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223211.

<sup>1334</sup> **D219/2**, Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044900, A34.



and 100 prisoners were brought in every day in groups of five to 50.<sup>1335</sup> One local villager states that new prisoners were taken to Kraing Ta Chan “almost every single day”, with 10 new arrivals each day at the beginning of DK, and the number peaked in 1977.<sup>1336</sup> As these estimates are inconclusive, inconsistent and at odds with the contemporaneous reports of July and November 1977 discussed above, they are unreliable for the purpose of calculating the number of victims at Kraing Ta Chan.

### *Categories of detainees*

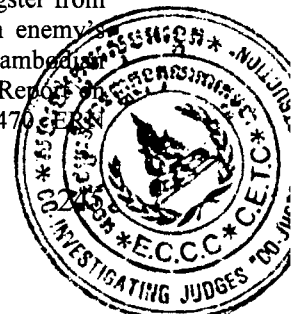
489. The majority of prisoners at Kraing Ta Chan were “17 April People”.<sup>1337</sup> A significant number of prisoners had previously held positions in the Khmer Republic, i.e. government officials, police officers and soldiers.<sup>1338</sup> Their families were also arrested

<sup>1335</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394826, lines 9-15; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511-00225512.

<sup>1336</sup> **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166212, A71, ERN 01166214, A87.

<sup>1337</sup> **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223476; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225509-00225510; **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223463; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031769, A50. See also **D6.1.534**, Confession of Chhon, 10 March 1978, ERN 00143479; **D6.1.1215**, Report on enemy’s actions for Tram Kak District Police, 5 March 1977, ERN 00276562, ERN 00276565; **D6.1.234**, Report on Sao Phan, a new citizen, 2 January 1977, ERN 00322121; **D6.1.255**, Report on Lady Than Ni to Angkar in District 105, 4 May 1977, ERN 00322143; **D6.1.300**, Report on Va and Pen San, who lived in Khum Nhe Nhang, 5 December 1977, ERN 00322181; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322199; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322206-00322207; **D6.1.209**, Report on enemy’s actions to 109 District Police, 27 July 1978, ERN 00322218, ERN 00322221; **D6.1.302**, Report to Comrade Ann on three people, 13 December 1977, ERN 00364289-00364290; **D6.1.220**, Statistics of Cambodian Prisoners in Kampuchea Krom, 26 August 2009 (filing date), ERN 00366699-00366705; **D6.1.260**, Report on the enemy’s actions, 14 May 1977, ERN 00369475, ERN 00369477, ERN 00369482, ERN 00369487, ERN 00369488; **D347/2.1.5**, Prisoner list of a Re-education Office of Tram Kak district, 22 June 2018 (filing date), ERN 00973147-00973154; **D6.1.1214**, Number of prisoners, 19 March 2009 (filing date), ERN 00290202-00290203; **D347/2.1.3**, Number of prisoners, 22 June 2018 (filing date), ERN 00323943-00323978; **D6.1.1210**, Number of prisoners, 19 March 2009 (filing date), ERN 00290199-00290201.

<sup>1338</sup> **D347/2.1.4**, Confirmation report from Phan to district Angkar on 8 May 1977, 8 May 1977, ERN 00742890; **D6.1.534**, Confession of Chhon, 10 March 1978, ERN 00143479, ERN 00143484; **D6.1.1215**, Report on enemy’s actions for Tram Kak District Police, 5 March 1977, ERN 00276562-00276564, ERN 00276566; **D6.1.1217**, Report on the actions of the new people in Trach village, 6 May 1977, ERN 00276576; **D6.1.1221**, Report to the Tram Kak branch of the CPK, 6 December 1977, ERN 00276590-00276591; **D6.1.235**, Report to Angkar on the sending of four people, 9 January 1977, ERN 00322122; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.299**, Report on new people from District 109 who stayed in Sre Ranong sub-district, 2 November 1977, ERN 00322178-00322179; **D6.1.300**, Report on Va and Pen San, who lived in khum Nhe Nhang, 5 December 1977, ERN 00322181; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322194, ERN 00322199; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322208, ERN 00322209, ERN 00322216; **D6.1.209**, Report on enemy’s actions to 109 District Police, 27 July 1978, ERN 00322219, ERN 00322220; **D6.1.220**, Statistics of Cambodian prisoners in Kampuchea Krom, 26 August 2009 (filing date), ERN 00366699-00366705; **D6.1.260**, Report on the enemy’s actions, 14 May 1977, ERN 00369463, ERN 00369464, ERN 00369466, ERN 00369476.



and imprisoned at Kraing Ta Chan.<sup>1339</sup> However, the prison population also included Khmer Krom, as well as persons considered to be Vietnamese, “base people”, CPK cadres, Chinese and Cham.<sup>1340</sup>

### *Arrests of Khmer Krom people*

490. Khmer Krom living in Tram Kak District were later arrested and sent to Kraing Ta Chan.<sup>1341</sup> Khmer Krom imprisoned at Kraing Ta Chan were typically killed within days of their arrival at the prison.<sup>1342</sup>

491. Two witnesses and one civil party applicant detail incidents of large-scale arrests of Khmer Krom and their transfer to Kraing Ta Chan. One witness recalls a meeting in Kus Commune sometime between 17 April 1975 and April 1976 where it was announced that Khmer Krom were brought from Kampuchea Krom to Cambodia in

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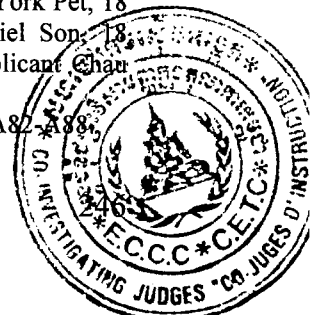
00369473, ERN 00369477, ERN 00369478, ERN 00369480, ERN 00369489; **D347/2.1.9**, List of prisoners suggested to Party to kill, 15 May 1978, ERN 00762845-00762846; **D6.1.1214**, Number of prisoners, 19 March 2009 (filing date), ERN 00290202-00290203; **D347/2.1.3**, Number of prisoners, 22 June 2018 (filing date), ERN 00323943-00323978; **D6.1.1210**, Number of prisoners, 19 March 2009 (filing date), ERN 00290199-00290201; **D6.1.241**, Report to local Angkar on a youngster called Lim Song, 9 April 1977, ERN 00322133.

<sup>1339</sup> **D6.1.1215**, Report on enemy’s actions for Tram Kak District Police, 5 March 1977, ERN 00276563; **D6.1.234**, Report on Sao Phan, a new citizen, 2 January 1977, ERN 00322121; **D347/2.1.4**, Confirmation report from Phan to district Angkar on 8 May 1977, 8 May 1977, ERN 00742890.

<sup>1340</sup> **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223488; **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223476; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031769, A50; **D6.1.262**, Report on those from Vietnam who are staying in Tram Kak District, 5 June 1977, ERN 00322147; **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276602; **D6.1.229**, Report to the Party on prisoners, 4 August 1976, ERN 00322116; **D6.1.237**, Report to the Party on Kim Vanny, a Chinese, 7 March 1977, ERN 00322124; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322194; **D6.1.279**, Report on King Hin and Hy Dy, 6 September 1977, ERN 00355474; **D6.1.307**, Report on people sent to education department 105, 16 January 1978, ERN 00362228, ERN 00362232; **D6.1.302**, Report to Comrade Ann on three people, 13 December 1977, ERN 00364289-00364290; **D347/2.1.5**, Prisoner list of a re-education office of Tram Kak District, 22 June 2018 (filing date), ERN 00973147-00973154; **D347/2.1.9**, List of prisoners suggested to Party to kill, 15 May 1978, ERN 00762838-00762839, ERN 00762844; **D347/2.1.3**, Number of prisoners, 22 June 2018 (filing date), ERN 00323954-00323957; **D6.1.1210**, Number of prisoners, 19 March 2009 (filing date), ERN 00290200.

<sup>1341</sup> **D118/130**, Written Record of Interview of Witness Ry Pov, 30 October 2013, ERN 00970032, A56; **D6.1.671**, Written Record of Interview of Witness Riel San, 29 October 2009, ERN 00412172, A10; **D6.1.676**, Written Record of Interview of Witness Cheang Sreimom, 11 November 2009, ERN 00410266; **D6.1.282**, Report on Att Phuong, 15 September 1977, ERN 00366708; **D6.1.279**, Report on King Him and Hy Dy, 6 September 1977, ERN 00355474; **D6.1.307**, Report on people sent to education department 105, 16 January 1978, ERN 00362232; **D6.1.209**, Report on enemy’s actions to 109 District Police, 18 July 1978, ERN 00322220, ERN 00322225; **D6.1.250**, A letter for suggestions about process of making lists of Cambodians in Kampuchea Krom, 26 April 1977, ERN 00322141; **D6.1.243**, Report on the enemy’s conditions on May 03, 1977, 3 May 1977, ERN 00322087-00322088; **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166211, A62; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982646, A97; **D118/128**, Written Record of Interview of Civil Party Applicant Chan Ny, 28 October 2013, ERN 00970005-00970006, A29-A30.

<sup>1342</sup> **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969630, A82-A88.





order to “prevent them from being associated with the Yuon”.<sup>1343</sup> After the meeting, the witness cooked rice for two groups of Khmer Krom; she counted, 59 adults in one and 68 adults in the other, plus an unknown number of children in each group. Subsequently, the witness saw the two groups being chained and taken to Kraing Ta Chan; none of them were seen again.<sup>1344</sup> A short time later she heard screams for help coming from the security centre.<sup>1345</sup> The only reasonable inference is that the Khmer Krom in these two groups were killed at Kraing Ta Chan.

492. Around August 1976 a civil party applicant saw CPK cadres “arrest, torture and kill” six young Khmer Krom.<sup>1346</sup> In another incident witnessed by the civil party applicant shortly before the arrival of Vietnamese forces at the end of DK, 30 Khmer Krom were arrested and taken towards Kraing Ta Chan.<sup>1347</sup> These people had responded affirmatively when the CPK cadres asked whether they wanted to return to Kampuchea Krom. Tied with scarves, they were brought to Kraing Ta Chan by armed militia. All of the persons arrested during this incident came from the same commune in Kampuchea Krom as the applicant. None of them were seen again, supporting the conclusion that all of them were killed at Kraing Ta Chan.<sup>1348</sup>
493. In 1977, a witness attended a meeting in Kus Commune where it was announced that Khmer Krom could “return home”.<sup>1349</sup> About 10 families (10 x 4 = 40) who came forward were subsequently taken to Kraing Ta Chan with their arms tied behind their

<sup>1343</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067048-01067049, A131-A132, ERN 01067056, A186-A189.

<sup>1344</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067031, A3, A8, A10, ERN 01067036, A37-A38, A40-A41, A43, ERN 01067040, A67, ERN 01067042, A79-A80, ERN 01067046, A110-A113, ERN 01067050, A143, ERN 01067051, A147, ERN 01067053, A165-A166, ERN 01067056, A186-A189.

<sup>1345</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067053, A165-A166.

<sup>1346</sup> **D118/130**, Written Record of Interview of Witness Ry Pov, 30 October 2013, ERN 00970030, A38, ERN 00970031, A42, A47.

<sup>1347</sup> **D315.1.4**, Transcript of hearing on the substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452131, lines 7-13.

<sup>1348</sup> **D118/130**, Written Record of Interview of Witness Ry Pov, 30 October 2013, ERN 00970033, A58, A61, A62, ERN 00970034, A65, A67-A68; **D315.1.4**, Transcript of hearing on the substance in Case 002/02 [Ry Pov], 12 February 2015, ERN 01452132, lines 8-13.

<sup>1349</sup> **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166212, A63, A65.



backs; they disappeared and the only reasonable assumption is that they were killed there.<sup>1350</sup>

### *Conditions of detention*

494. Prisoners categorised as “*serious offenders*” were detained separately from “*light (or minor) offenders*”; the “*serious offenders*” were shackled by their hands and feet and were only taken out of their shackles for interrogation, whereas the “*light offenders*” were not always shackled.<sup>1351</sup>

495. Male and female prisoners were placed together in the same room but in different rows.<sup>1352</sup> In each detention house there were two rows of people with at least 20 prisoners per row.<sup>1353</sup> Prisoners were shackled with ankle rings attached to long metal rods and hands tied or restrained with metal cuffs.<sup>1354</sup> Even children were shackled.<sup>1355</sup> Babies were kept in the same detention buildings as their mothers.<sup>1356</sup>

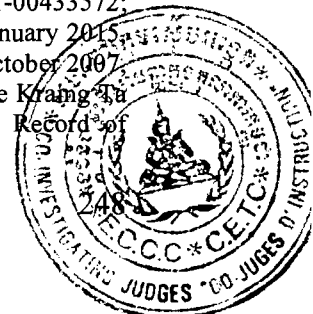
<sup>1350</sup> **D219/525**, Written Record of Interview of Witness York Pet, 18 September 2015, ERN 01166212, A66-A68, A70.

<sup>1351</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510; **D6.1.695**, Written Record of Interview of Witness Phan Chhen, 9 December 2009, ERN 00426301, A25; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433571; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067092, A484, ERN 01067098, A529. See also **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980294, A128; **D6.1.998**, Written Record of Interview of Witness Saut Saing, 28 November 2007, ERN 00223550-00223551. Cf. **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02, [Sory Sen alias Say Sen], 4 February 2015, ERN 01394838.

<sup>1352</sup> **D6.1.998**, Written Record of Interview of Witness Saut Saing, 28 November 2007, ERN 00223551; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166453; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223501; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223488; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223211; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D219/972.2.2**, Written Record of Interview of Witness Say Sen, 4 February 2015, ERN 01394825, lines 14-16.

<sup>1353</sup> **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223211; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433571, ERN 00433572; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166453; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496-00223497; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223550-00223551; **D6.1.785**, Written Record of Interview of Witness Sok Soth, 31 October 2007, ERN 00223505.

<sup>1354</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223550-00223551; **D6.1.1000**, Written Record of Interview of Witness Van Soan, 29 November 2007, ERN 00223211; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225502-00225503; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433571-00433572; **D315.2.3**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 22 January 2015, ERN 01394654, lines 17-18; **D6.1.781**, Written Record of Interview of Witness Thaong Siev, 29 October 2007, ERN 00223470; **D6.1.931**, Photograph depicting iron shackles (“knoah”) recovered at the site of the Krang Ta Chan security office, 31 December 2009 (filing date), ERN 00407125. Cf. **D6.1.784**, Written Record of



496. Detainees were given a very limited amount of food each day.<sup>1357</sup> Some prisoners received no food after having been interrogated.<sup>1358</sup> As a result of this malnourishment, mothers were unable to breast-feed their babies who died as a consequence.<sup>1359</sup>
497. Some prisoners were forced to work inside the compound.<sup>1360</sup> These prisoners were shackled at night, which caused injuries resulting in lasting scars.<sup>1361</sup> While those who worked were given more food than prisoners who remained shackled in the detention buildings, some of them collapsed due to overwork and insufficient food.<sup>1362</sup>

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Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D219/2**, Written Record of Interview of Civil Party Applicant Set Yem, 9 September 2014, ERN 01044900, A32. Prisoners were not allowed to move freely; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223490; **D6.1.785**, Written Record of Interview of Witness Sok Soth, 31 October 2007, ERN 00223507; **D6.1.782**, Written Record of Interview of Witness Eap Duch, 30 October 2007, ERN 00223481.

<sup>1355</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511.

<sup>1356</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395074, lines 11-17.

<sup>1357</sup> **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223551; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223212; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225504; **D219/972.2.2**, Written Record of Interview of Witness Say Sen, 4 February 2015, ERN 01394822-01394823; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395074-01395075; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223490.

<sup>1358</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395076, lines 18-24; **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394832, lines 9-17.

<sup>1359</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395129-01395130.

<sup>1360</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223212; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225511; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394822, lines 4-6; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223549, ERN 00223550; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970121, A61-A62; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980298, A169; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572.

<sup>1361</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394863, lines 3-7; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223551; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225503; **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433572.

<sup>1362</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225504; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497.



498. Sanitary conditions at Kraing Ta Chan were deplorable. The detention building was filled with small insects, and the detainees were bitten at night.<sup>1363</sup> When prisoners wanted to relieve themselves they had to use a coconut shell or a chamber pot which was passed from person to person to the end of the row to then be poured in a 30-litre container.<sup>1364</sup> The same coconut shell was used to distribute water to the detainees.<sup>1365</sup>
499. Detainees were beaten with a bamboo club - sometimes to death - for spilling urine or faeces,<sup>1366</sup> for moving at night<sup>1367</sup> or for having a loose shackle.<sup>1368</sup>
500. Disease was rife due to the sanitary conditions, overwork, starvation, and physical abuse,<sup>1369</sup> yet the prisoners were denied any kind of medical treatment,<sup>1370</sup> and many died as a result.<sup>1371</sup> Even decades later, witness Say Sen, for example, remains severely traumatised from his imprisonment at Kraing Ta Chan.<sup>1372</sup>

<sup>1363</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395075, lines 15-20; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394823-01394824.

<sup>1364</sup> **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223551; **D6.1.997**, Written Record of Interview of Saing Sim, 28 November 2007, ERN 00433572; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166454; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223212; **D6.1.779**, Written Record of Interview of Witness Kev Mao, 29 October 2007, ERN 00163472; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225503; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395075-01395076.

<sup>1365</sup> **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394824.

<sup>1366</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497.

<sup>1367</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395075, lines 15-20.

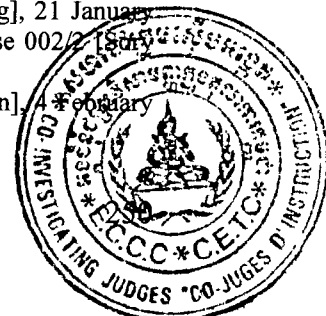
<sup>1368</sup> **D219/972.2.2**, Written Record of Interview of Witness Say Sen, 4 February 2015, ERN 01394825.

<sup>1369</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395076, lines 15-24; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223497; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223212.

<sup>1370</sup> **D6.1.1000**, Written Record of Interview of Witness Van Soan 29 November 2007, ERN 00223212; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395076, lines 10-14; **D118/181**, Written Record of Interview of Witness Riel Son, 18 February 2014, ERN 00982652, A139-A142.

<sup>1371</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395076, lines 15-24; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394824, lines 1-3.

<sup>1372</sup> **D219/972.2.2**, Transcript of Hearing on the Substance in Case 002/2 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394841-01394842.



*Interrogations*

501. District 105 used Kraing Ta Chan as the main centre for interrogations. Prisoners were referred to Kraing Ta Chan with instructions to interrogate them for suspected disloyalty or wrongdoing.<sup>1373</sup> The “*confessions*” of Kraing Ta Chan prisoners were subsequently used to identify further people to arrest.<sup>1374</sup>
502. Interrogations took place in a small hut without walls approximately 10 to 50 metres from the kitchen.<sup>1375</sup> Prisoners were asked about their former positions during the Khmer Republic, or connections to the “*American CIA or Yuon CIA*”.<sup>1376</sup> While a few were interrogated without being beaten,<sup>1377</sup> many were severely mistreated, and some died as a result.<sup>1378</sup>
503. Interrogations were conducted by members of the guard unit, as well as prison Chairman An and his deputy Iep Duch.<sup>1379</sup> Iep Duch admits to only participating once or twice in interrogations at Kraing Ta Chan, and does not admit to being deputy

<sup>1373</sup> **D6.1.238**, Report on admissions of prisoners from Department 106 to Party, 10 March 1977, ERN 00276598-00276603; **D6.1.237**, Report to the Party on Kim Vanny, a Chinese, 7 March 1977, ERN 00322124-00322129; **D6.1.207**, Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109, 8 July 1978, ERN 00322210, ERN 00322216; **D6.1.1221**, Report to the Tram Kak branch of the CPK, 6 December 1977, ERN 00276591; **D6.1.203**, Report to Tram Kak Police on the sending of three people, 1 March 1978, ERN 00322199; **D6.1.782**, Written Record of Interview of Witness Eap Duch, 30 October 2007, ERN 00223479.

<sup>1374</sup> **D6.1.1200**, Report on admissions of prisoners from Department 105 to Party, 30 July 1977, ERN 00276597; **D6.1.260**, Report on the enemy's actions, 27 January 1978, ERN 00369489.

<sup>1375</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395080-01395081, ERN 01395111-01395112; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394856-01394858; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067069, A288.

<sup>1376</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha, 31 October 2007, ERN 00223500; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395081-01395082.

<sup>1377</sup> **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223489-00223490; **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517.

<sup>1378</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225504; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394874, lines 3-11; **D6.1.1000**, Written Record of Interview of Witness Vann Soan, 29 November 2007, ERN 00223210; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498.

<sup>1379</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225507; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02, 4 February 2015, ERN 01394839-01394840; **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969625, A53-A54; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436757, lines 13-14; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434696; **D118/134**, Written Record of Interview of Witness Srei Than, 31 October 2013, ERN 00970073, A44; **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223489-00223490.



chairman of the security centre.<sup>1380</sup> However, this is obviously meant to downplay his involvement and is inconsistent with the evidence from other witnesses, who consistently, credibly, and reliably identify him as the deputy chairman and an interrogator.<sup>1381</sup> Even so, he states that An and Cheng interrogated prisoners, and that those who did not confess were beaten.<sup>1382</sup>

504. Other former prison staff corroborate the evidence of mistreatment during interrogations, while minimising their own involvement. Former prison guards Saut Saing and Saing Sim, (as well as former prison chief Phan Chhen), offered Say Sen money for him to testify that they themselves had been prisoners, but Say Sen refused.<sup>1383</sup> Still, Saut Saing concedes that there was an interrogation building at Kraing Ta Chan, from which he could hear screams during interrogations.<sup>1384</sup> Likewise, Saing Sim saw prisoners being beaten and suffocated with plastic bags during interrogations, and some died as a result.<sup>1385</sup>

505. Another former guard, Srei Than (alias “Small Duch”), saw prisoners being taken “*for beatings and interrogations every single day*”.<sup>1386</sup> After the interrogations, Srei Than saw prisoners who looked like they had been “*tortured severely*” returned to the detention building.<sup>1387</sup> He subsequently typed up the “*confessions*” of tortured prisoners from handwritten notes, which contained annotations to “*smash*”.<sup>1388</sup>

506. The methods used during interrogation included beating with clubs and rattan whips and suffocating with plastic bags or water.<sup>1389</sup> Sometimes guards used pliers to pull out

<sup>1380</sup> **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223473-00223475, ERN 00223479; **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223549-00223550.

<sup>1381</sup> See para. 474.

<sup>1382</sup> **D6.1.782**, Written Record of Interview of Witness Iep Duch, 30 October 2007, ERN 00223479-00223480.

<sup>1383</sup> **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969626-00969629, A57-A79.

<sup>1384</sup> **D6.1.998**, Written Record of Interview of Witness Sotr Saing, 28 November 2007, ERN 00223551-00223552.

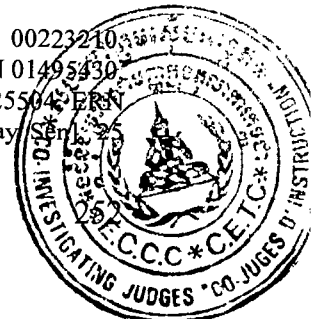
<sup>1385</sup> **D6.1.997**, Written Record of Interview of Witness Saing Sim, 28 November 2007, ERN 00433573.

<sup>1386</sup> **D6.1.123**, Written Record of Interview of Witness Srey Than alias Duch, 16 September 2008, ERN 00231675.

<sup>1387</sup> **D315.1.6**, Transcript of Hearing on the Substance in Case 002/02 [Srei Than], 23 February 2015, ERN 01405130, lines 5-13.

<sup>1388</sup> **D6.1.123**, Written Record of Interview of Witness Srey Than alias Duch, 16 September 2008, ERN 00231675.

<sup>1389</sup> **D6.1.1000**, Written Record of Interview of Witness Van Soan, 29 November 2007, ERN 00223210; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soan], 4 March 2015, ERN 01495430, lines 6-8; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225504; ERN 00225507; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen].



prisoners' fingernails.<sup>1390</sup> Usually only one person was interrogated at a time,<sup>1391</sup> and when newcomers were beaten until they could no longer walk back to the detention building by themselves, Say Sen was called to carry them.<sup>1392</sup>

### *Killings*

507. Almost all the prisoners who entered Kraing Ta Chan were killed.<sup>1393</sup> According to Say Sen, Khmer Krom people were killed within days of their arrival.<sup>1394</sup> Base people were detained for longer periods, but '17 April People' who were soldiers in the Khmer Republic were usually executed within one week; other '17 April People' were sometimes detained for longer periods but were eventually killed as well.<sup>1395</sup> When the prison reached maximum capacity, mass killing operations were conducted to free up space for new arrivals.<sup>1396</sup> When the Vietnamese troops arrived, there were only four to five prisoners left alive in each detention building.<sup>1397</sup>

508. Very few people were ever released from Kraing Ta Chan, including five former prisoners interviewed by the OCIJ.<sup>1398</sup> Former District Secretary Pech Chim, for

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March 2015, ERN 01436757; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223500; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395080-01395082; **D6.1.788**, Written Record of Interview of Witness Neang Dam, 1 November 2007, ERN 00223517-00223518; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031769, A52-A53; **D118/166**, Written Record of Interview of Witness Toem Hy, 6 December 2013, ERN 00980270-00980271.

<sup>1390</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395081; **D118/276**, Written Record of Interview of Civil Party Applicant Uk Him, 14 July 2014, ERN 01031769, A52-A53.

<sup>1391</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394857.

<sup>1392</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394832, lines 5-9.

<sup>1393</sup> **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434694, A53; **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067059, A207; **D6.1.788**, Written Record of Interview of Nieng Dam, 1 November 2007, ERN 00223519.

<sup>1394</sup> **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969629, A82-A88.

<sup>1395</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 Say Sen, 4 February 2015, ERN 01394872, lines 18-23.

<sup>1396</sup> **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434695, A69; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980300, A185; **D6.1.785**, Written Record of Interview of Witness Sok Sott, 31 October 2007, ERN 00223507.

<sup>1397</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512.

<sup>1398</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512; **D6.1.1000**, Written Record of Interview of Witness Van Soan, 29 November 2007, ERN 00223212; **D6.1.709**, Written Record of Interview of Witness Srei Than, 29 December 2009, ERN 00434694, A53; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980302, A212. Witnesses who were released from Kraing Ta Chan during its operation: **D6.1.783**, Written Record of Interview of Witness Hun Kimseng, 31 October 2007, ERN 00223490-00223491; **D6.1.785**, Written Record of Interview of Witness Sok Sott, 31 October 2007, ERN 00223508; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29



example, claims that two women were released after his personal intervention.<sup>1399</sup> One witness claims that she spoke with four people who escaped from Kraing Ta Chan;<sup>1400</sup> another witness states, however, that prisoners who attempted to escape were killed.<sup>1401</sup>

509. Killings were carried out in accordance with instructions from District 105 or Sector 13, in the form of annotations on prisoner lists and “*confessions*” previously sent to the upper echelon from Kraing Ta Chan.<sup>1402</sup> All the guards, and some of the leadership unit, participated in the killings.<sup>1403</sup>
510. In the days before they were killed, prisoners received no food for about a week until they became emaciated.<sup>1404</sup> When guards called out the names of prisoners who were to be unshackled in the detention building, they told them that they were being returned to the cooperatives but once outside they were blindfolded and their hands tied before they were taken to the killing site south of the prison.<sup>1405</sup> Two to four prisoners at a time were ordered to kneel in front of a pit which had been dug by Say Sen in the morning. Some were hit on the base of the neck with a hoe or bamboo club, others had their throats slit with a machete.<sup>1406</sup> Loudspeakers drowned out the screams of the victims.<sup>1407</sup>

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2007, ERN 00166454; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395077, lines 1-7; **D6.1.778**, Written Record of Interview of Witness Keo Chandara alias Krou Yav, 29 October 2007, ERN 00223452-00223454.

<sup>1399</sup> **D6.1.652**, Written Record of Interview of Witness Pech Chim, 27 August 2009, ERN 00380134; **D118/259**, Written Record of Interview of Witness Pech Chim, 19 June 2014, ERN 01000699, A274-A276; **D6.1.653**, Written Record of Interview of Witness Pech Chim, 28 August 2009, ERN 00381027.

<sup>1400</sup> **D219/135**, Written Record of Interview of Witness Yin Teng, 29 December 2014, ERN 01067065, A256-A258.

<sup>1401</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225505; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394833-01394834.

<sup>1402</sup> See paras 476-483.

<sup>1403</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394875, lines 10-12; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 4 March 2015, ERN 01495428, lines 8-11; **D118/276**, Written Record of Interview of Civil Party Uk Him, 14 July 2014, ERN 01031762, A24, ERN 01031771-01031772, A65; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395114, lines 11-12. See also **D118/133**, Written Record of Interview of Witness Say Sen, 31 October 2013, ERN 00969632, A106.

<sup>1404</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395103, lines 8-10; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980299, A177.

<sup>1405</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225507-00225508; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394834-01394836.

<sup>1406</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394834-01394836; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395114, lines 11-12.





511. Once they had been killed, Say Sen was ordered to remove the prisoners' clothes; these were then washed and delivered to the cooperatives.<sup>1408</sup>
512. Several witnesses and civil party applicants saw prison staff kill young children by grabbing them by their feet and swinging their heads against tree trunks.<sup>1409</sup>
513. The guards removed gallbladders from some of their dead victims, including children, and ate them.<sup>1410</sup>
514. Most of those who were not killed directly nevertheless died within a month of their arrival due to starvation and mistreatment, including beatings.<sup>1411</sup>
515. Evidence on the frequency and number of killings varies: former detainee Nieng Dam states that killings happened once or twice per month,<sup>1412</sup> which is confirmed by witness Vann Soeun, who does, however, state, without giving further details, that the number and frequency of prisoners being killed "*peaked*" in 1977 and 1978;<sup>1413</sup> it remains therefore unclear what "*peaked*" actually meant in terms of the frequency of

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Sokha alias Thlang], 21 January 2015, ERN 01395101-01395102; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980299, A177; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395117-01395118.

<sup>1407</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394875; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395079, ERN 01395103; **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223498-00223499; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225507-00225508; **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223461; **D6.1.781**, Written Record of Interview of Witness Thaong Siev, 29 October 2007, ERN 00223469-00223470; **D6.1.787**, Written Record of Interview of Witness Nhem Khan, 1 November 2007, ERN 00163542-00163543; **D6.1.999**, Written Record of Interview of Witness Lim Hach, 29 November 2007, ERN 00166455; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 4 March 2015, ERN 01495440.

<sup>1408</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394834-01394836.

<sup>1409</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225510-00225511; **D6.1.785**, Written Record of Interview of Witness Sok Soth, 31 October 2007, ERN 00223507; **D315.2.2**, Transcript of hearing on the substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395103; **D118/276**, Written Record of Interview of Witness Uk Him, 14 July 2014, ERN 01031769, A51; **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980302, A212; **D134/8**, Written Record of Interview of Witness Sotr Saing, 25 November 2013, ERN 00970125, A90.

<sup>1410</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395116, lines 6-10, lines 16-25, ERN 01395117, lines 1-3; **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 Say Sen, 4 February 2015, ERN 01394874, lines 22-24; **D118/276**, Written Record of Interview of Witness Uk Him, 14 July 2014, ERN 01031769, A51.

<sup>1411</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394836, lines 11-21.

<sup>1412</sup> **D6.1.788**, Written Record of Interview of Nieng Dam, 1 November 2007, ERN 00223519.

<sup>1413</sup> **D118/167**, Written Record of Interview of Witness Vann Soeun, 18 December 2013, ERN 00980300.

**D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394858-01394859.



the killings or their respective scale. Another former prisoner, Meas Sokha, detained from June 1976 until August 1978,<sup>1414</sup> recalls seeing a “*minimum number*” of 20 prisoners killed per day and on some days as many as 50 to 100 persons.<sup>1415</sup> Say Sen testified that the number of people killed varied from day to day, and that killings did not happen every day.<sup>1416</sup>

516. One local villager saw a group of 30 former Lon Nol military personnel being escorted to Kraing Ta Chan shortly after 17 April 1975.<sup>1417</sup> The witness saw them being killed shortly thereafter.<sup>1418</sup> It cannot be excluded that this happened before **Yim Tith** assumed a formal position in Sector 13; hence they have not been counted towards the total victim numbers.
517. Victims were initially buried inside the inner compound, to the south of the interrogation house and kitchen, but from 1977, when the scale of killings increased and there were too many bodies already buried within the compound, new mass graves were dug between the fence lines, as well as beyond the outer perimeter fence of the security centre.<sup>1419</sup>
518. Say Sen testified that he was made to dig one to two pits per day which were approximately two metres wide, three metres long and one to one and a half metres deep; each of these pits could fit at least 30 bodies, as Say Sen distinctly remembers, having been the person who had to bury the bodies.<sup>1420</sup> He later said that he participated in the digging of between 10 and 20 pits and each pit was filled with between 10 and 30

<sup>1414</sup> **D6.1.784**, Written Record of Interview of Witness Meas Sokha alias Thlang, 31 October 2007, ERN 00223496; **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395077, lines 3-4.

<sup>1415</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395101-01395102.

<sup>1416</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394838, lines 8-11.

<sup>1417</sup> **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223460-00223462.

<sup>1418</sup> **D6.1.780**, Written Record of Interview of Witness Seang Soeun, 29 October 2007, ERN 00223460-00223462.

<sup>1419</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394858-01394859; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225508, ERN 00225512; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436760, lines 12-17; **D6.1.781**, Written Record of Interview of Witness Thaong Seav, 29 October 2007, ERN 00223470; **D315.1.10**, Transcript of Hearing on the Substance in Case 002/02 [Van Soeun], 4 March 2015, ERN 01495419.

<sup>1420</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225508.



bodies.<sup>1421</sup> However, given that Say Sen was detained at Kraing Ta Chan since 1973 and that killings occurred since that time, it is impossible, absent further detail, to determine how many of the victims described by Say Sen were killed after 17 April 1975.

519. Former prisoner, Meas Sokha, was ordered to bury the bodies of 100 prisoners at some point in 1977.<sup>1422</sup> Witness Nieng Deam, who was detained between late 1977 and the end of DK for “*more than one year*” states that he helped dig pits with Say Sen two to three times per month, and each pit was filled with 50 to 60 bodies;<sup>1423</sup> however, this testimony is unreliable because he states in the same interview that he only dug one pit once.<sup>1424</sup>
520. Although the pits were covered with a layer of soil, mass graves containing many bodies cracked open within days as the decomposing bodies became swollen, created a strong stench.<sup>1425</sup> Sometimes more bodies were added to an existing pit after the bodies had decomposed.<sup>1426</sup> Say Sen recalls that there were so many bodies buried around the prison that he sometimes uncovered bodies while planting coconut trees on an unspecified date during DK.<sup>1427</sup>
521. One witness went to Kraing Ta Chan in 1979 soon after the fall of DK and saw five or six uncovered pits containing still swollen bodies.<sup>1428</sup> The later exhumations at Kraing Ta Chan by local authorities in the period following the arrival of the Vietnamese forces recovered the skulls of at least 10,000 victims.<sup>1429</sup> This figure is consistent with an undated report from An to the district committee advising that 15,000 detainees had

<sup>1421</sup> **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436765, lines 18-23. *See also* **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394820-01394821, ERN 01394876.

<sup>1422</sup> **D315.2.2**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 21 January 2015, ERN 01395079, ERN 01395118; **D315.2.3**, Transcript of Hearing on the Substance in Case 002/02 [Meas Sokha alias Thlang], 22 January 2015, ERN 01394643, ERN 01394648.

<sup>1423</sup> **D6.1.788**, Written Record of Interview of Nieng Dam, 1 November 2007, ERN 00223517; ERN 00223518-00223519.

<sup>1424</sup> **D6.1.788**, Written Record of Interview of Nieng Dam, 1 November 2007, ERN 00223519.

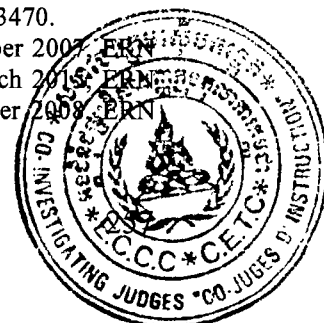
<sup>1425</sup> **D219/972.2.2**, Transcript of hearing on the substance in Case 002/02 [Sory Sen alias Say Sen], 4 February 2015, ERN 01394876-01394877.

<sup>1426</sup> **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 [Sory Sen alias Say Sen], 25 March 2015, ERN 01436767, lines 4-7.

<sup>1427</sup> **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225505.

<sup>1428</sup> **D6.1.781**, Written Record of Interview of Witness Thaong Seav, 29 October 2007, ERN 00223470.

<sup>1429</sup> **D6.1.778**, Written Record of Interview of Witness Keo Chandara alias Krou Yav, 29 October 2007, ERN 00223457; **D315.1.3**, Transcript of Hearing on the Substance in Case 002/02 Say Sen, 25 March 2015, ERN 01436765, lines 7-13; **D6.1.119**, Written Record of Interview of Witness Say Sen, 1 September 2008, ERN 00225512-00225513.



been executed up to that point.<sup>1430</sup> However, it cannot be concluded with the necessary certainty how many of these were killed during the temporal jurisdiction of the Court. Hence, this number has been excluded from the calculated minimum number of deaths at this site; nonetheless it stands to reason that the majority would have been killed once the CPK had full control of the country.

522. The two reports from Kraing Ta Chan to the district committee for the months of July and November 1977, discussed above, show at least that 131 prisoners were killed in those two months.<sup>1431</sup>

#### *Total victim numbers*

523. There is eye-witness evidence detailing the arrests and/or transfer of **203** Khmer Krom who were eventually detained and killed at Kraing Ta Chan, namely:

- i. **127** (59 + 68) Khmer Krom prisoners seen by a witness within the first year of DK;
- ii. **six** young Khmer Krom prisoners seen by a civil party applicant around August 1976;
- iii. Ten Khmer Krom families (10 x four prisoners = **40**) who were taken to Kraing Ta Chan after a meeting in Kus Commune in 1977;
- iv. **30** Khmer Krom prisoners arrested and taken to Kraing Ta Chan shortly before the arrival of Vietnamese forces.

524. Surviving contemporaneous prisoner lists from Kraing Ta Chan name **646** prisoners, including 25 identified as Khmer Krom.<sup>1432</sup>

<sup>1430</sup> **D6.1.1220**, Name list of prisoners of Educating District Office 105 had been sweep up, 22 June 2018 (filing date), ERN 00290205; **D6.1.695**, Written Record of Interview of Witness Phan Chhen, 9 December 2009, ERN 00426299, A5.

<sup>1431</sup> **D6.1.1222**, Report sent to respected and beloved Comrade Kit, Tram Kak District, July 1977, ERN 00276557-00276558; **D6.1.1226**, Report on prisoners by late November 1977, November 1977, ERN 00276555.

<sup>1432</sup> **D6.1.217**, A prisoner's confession, 26 August 2009 (filing date), ERN 00366676-00366698; **D6.1.218**, 5<sup>th</sup> Confession entitled "Contemptible traitors Pol Pot and Ieng Sary", 13 October 2011 (filing date), ERN 00747236-00747298; **D6.1.297**, To be used in an interrogation (a prisoner's confession), 15 February 2012 (filing date), ERN 00779246-00779257; **D347/2.1.5**, Prisoner List of a Re-education Office of Tram Kak District, 22 June 2018 (filing date); **D347/2.1.9**, List of prisoner suggested to Party to kill, 27 June 2018 (filing date), ERN 00762837-00762847; **D6.1.202**, Prisoner's confession in March 1978, 21 June 2018 (filing date).



525. Viewed together, it is not possible to distinguish the eye-witness accounts of victims from the victims on the prisoner lists. Therefore, to eliminate the risk of double-counting, the **203** Khmer Krom seen by witnesses must be subsumed in the **646** listed prisoners. However, in light of evidence from witnesses about the regularity of new arrivals and killings, the size of mass graves, as well as the two reports from the prison administration to Tram Kak District showing 131 people being killed in those two months alone, and the numbers discovered by the above-mentioned excavations after the fall of DK, the overall figure of prisoners detained and killed at Kraing Ta Chan during the temporal jurisdiction of the Court is likely to be significantly higher. Thus, at a very conservative estimate **646** prisoners were detained and killed at Kraing Ta Chan, of which at least **203** were Khmer Krom.

#### *Visits by Yim Tith*

526. There is no evidence that **Yim Tith** visited Kraing Ta Chan.

#### *5.5.1.3 Preil Village Execution Site*

##### *Location and establishment*

527. Preil Village was (and is) located in Saom Commune, Kirivong District, Takeo Province, Sector 13 of the Southwest Zone,<sup>1433</sup> close to the current border with Vietnam and near the former “*frontline*”.<sup>1434</sup> There was a military garrison at a pagoda in the

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ERN 00834792-00834834; **D6.1.1214**, Number of prisoners, 19 March 2009 (filing date), ERN 00290202-00290203; **D6.1.1220**, Name list of prisoners of Educating District Office 105 had been sweep up, 22 June 2018 (filing date), ERN 00290204-00290259; **D6.1.275**, Victim’s background, 3 December 2012 (filing date), ERN 00866424-00866463; **D6.1.214**, Biography of Thach Soeun from Kampuchea Krom, 11 February 2015 (filing date), ERN 01064165-01064197; **D347/2.1.3**, Number of Prisoners, 22 June 2018 (filing date), ERN 00323943-00323978.

<sup>1433</sup> **D105/21**, Written Record of Investigation Action, 26 April 2012, ERN 00803438; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A5.

<sup>1434</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A50. *See also* **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574, A3, ERN 01055580, A40; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170599, A149; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053692, A91.; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842-01031843, A62-A65; **D118/203**, Written Record of Witness Interview of Doek Pet, 17 March 2014, ERN 00985591, A36.



village, Wat Preil.<sup>1435</sup> The village was surrounded by bamboo forest during the DK regime.<sup>1436</sup>

528. From the beginning of 1978, during the operation to transfer large numbers of Khmer Krom from Vietnam to Cambodia, Khmer Krom were brought to Wat Preil as a staging post between Kampuchea Krom and their final destinations in Sector 13.<sup>1437</sup>

#### *Structure and personnel*

529. The military unit stationed at Preil Village was a regiment within Division 250, under the command of Ta Prach.<sup>1438</sup> Following their transfer from Kampuchea Krom, some Khmer Krom were conscripted into the regiment.<sup>1439</sup>

530. Only DK soldiers lived at the pagoda;<sup>1440</sup> no civilians lived in the village during DK.<sup>1441</sup> According to one witness, the “*militiamen*” who took villagers from Kampuchea Krom were the same as the ones at the pagoda.<sup>1442</sup>

#### *Transfers*

531. Preil Village served as a first stop and transit point for some of the Khmer Krom forced by the DK military to leave their villages in Kampuchea Krom between early 1978 and late 1978.<sup>1443</sup>

532. DK soldiers took Khmer Krom from the following locations in Vietnam and brought them to Preil Village:

<sup>1435</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170599, A149; **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053692, A91.

<sup>1436</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A52-A53.

<sup>1437</sup> See para. 537; *Killing operations in Sector 13*, para. 228.

<sup>1438</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170598, A140, 01170599, A149.

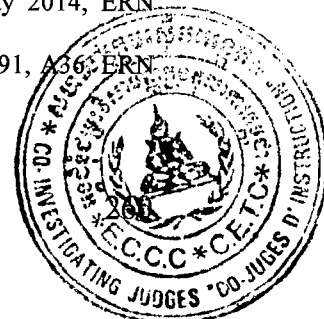
<sup>1439</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842-01031843, A63-A65; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A47-A48.

<sup>1440</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A6.

<sup>1441</sup> **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170599, A149. See also **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055579, A37.

<sup>1442</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985591, A36; ERN 00985592-00985593, A47-A48.

<sup>1443</sup> See *Killing operations in Sector 13*, para. 228.



- i. Veal Preah Keo Village, Peam Buon Commune, Svay Tong District, An Giang Province,<sup>1444</sup> in March or April 1978,<sup>1445</sup>
- ii. Ampeay Svay Village, Le Tri Commune, Tinh Bieng District, at the beginning of 1978;<sup>1446</sup>
- iii. Kouk Ampil Village, Le Tri Commune, Svay Tong District, An Gian Province in April 1978;<sup>1447</sup>
- iv. Yang Yav Village, Svay Trong District in January or February 1978;<sup>1448</sup> and Ba Chuc, Vietnam in July or August 1978.<sup>1449</sup>

533. One Khmer Krom civil party applicant who was transferred from Kampuchea Krom through Preil Village describes how in March or April 1978,<sup>1450</sup> DK soldiers “*fought the Vietnamese for about a fortnight*”<sup>1451</sup> and then “*herded away all Khmer Krom people living along the border*” in Vietnam.<sup>1452</sup> Another Khmer Krom civil party applicant who was taken from Kampuchea Krom through Preil Village describes how in January or February 1978,<sup>1453</sup> the Khmer Krom left their villages because they believed the ruse of the DK soldiers, who told them that there was a lack of food in Vietnam while there was enough in Cambodia, and that after the departure of the DK

<sup>1444</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681, A4, 01053682, A17, ERN 01053683, A23-A26, A29.

<sup>1445</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681, A4, ERN 01053682, A17-A18.

<sup>1446</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985584, 00985586-00985587, A4-A5.

<sup>1447</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574, A2, ERN 01055575, A9.

<sup>1448</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031834, ERN 01031836, A13-A16. (in January or February 1978, as the witness refers to 1978 and the Khmer months of *Bos* and *Meak*)

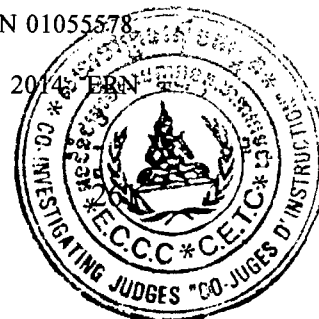
<sup>1449</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994, A26, ERN 00979995, A31.

<sup>1450</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178462, A1; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055575, A9.

<sup>1451</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055576, A12.

<sup>1452</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A28.

<sup>1453</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031836, A15.



soldiers, the Vietnamese would burn the Khmer Krom alive in their houses.<sup>1454</sup> This civil party applicant remembers that the DK soldiers initially appeared friendly and stated that Khmer Krom were also Khmer.<sup>1455</sup>

534. However, Khmer Krom who refused to leave were shot or threatened to be shot in front of the others.<sup>1456</sup> Only a few escaped.<sup>1457</sup>

535. On one occasion in March or April 1978, when DK soldiers were approaching Veal Preah Keo Village in Kampuchea Krom, the Khmer Krom living there were threatened by the Vietnamese authorities and asked to leave, ostensibly for the Vietnamese forces to use the area for military purposes.<sup>1458</sup> One week later, armed DK soldiers took these Khmer Krom to Cambodia, threatening to shoot them if they refused.<sup>1459</sup>

536. DK militia transported the Khmer Krom to Preil Village on foot and by lorry.<sup>1460</sup> On their way to Cambodia, some Khmer Krom died through landmines;<sup>1461</sup> others were kicked and stabbed by DK soldiers.<sup>1462</sup>

537. Having arrived in Preil Village, Khmer Krom families were kept in the compound of Wat Preil, where all other detainees were also Khmer Krom.<sup>1463</sup> Men were separated

<sup>1454</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031838, A28-A31; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A2.

<sup>1455</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A45.

<sup>1456</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055576, A14-A15, ERN 01055577, A18; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A3; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031839, A39.

<sup>1457</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A26.

<sup>1458</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053681, A4, ERN 01053682, A17, ERN 01053683, A23-A26, A29.

<sup>1459</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053683, A27; ERN 01053684, A30-A33.

<sup>1460</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055575, A10, ERN 01055576, A15, ERN 01055578, A25, ERN 01055580, A38; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985589, A19, ERN 00985591, A33, ERN 00985589, A24; ERN 00985593, A48. **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031840, A46, ERN 01031842, A58-A62, e ERN 01031836, A13, A15.

<sup>1461</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055576, A15.

<sup>1462</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055580, A38.

<sup>1463</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842, A63; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A40-A44, A47; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055579, A36.





from their families on arrival.<sup>1464</sup> Thousands of Khmer Krom crowded the pagoda compound,<sup>1465</sup> none were allowed to move around freely.<sup>1466</sup>

538. The military proceeded to select a small minority of “*strong people*” among the Khmer Krom at Wat Preil to form a special regiment of Khmer Krom soldiers in order to fight the Vietnamese.<sup>1467</sup> Other Khmer Krom, including women and children, were sent on foot or in trucks to work at Kouk Prech and Kampeang after two or three days at Wat Preil.<sup>1468</sup> Given that new arrivals found the village to be empty except for the military personnel stationed at Wat Preil, it can be reasonably assumed that all arrivals were either killed, recruited into the military and kept onsite, or moved on within days.<sup>1469</sup>

### *Killings*

539. A Khmer Krom civil party applicant from An Giang Province who was at Preil Village for three days in March or April 1978 states that upon arrival in Cambodia they were questioned by the DK soldiers.<sup>1470</sup> Those who spoke Khmer with an accent were killed in the nearby bamboo forest along with anyone identified as being of Vietnamese

<sup>1464</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574, A3.

<sup>1465</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A41-A42.

<sup>1466</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A49-A50; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055580, A44.

<sup>1467</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053682, A16-A17, 01053692-010536993, A91-A107; **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170598, A140-A141; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178462, A1, ERN 01178465, A48; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055574, A3, ERN 01055575, A10, ERN 01055581, A48, ERN 01055582, A53.

<sup>1468</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151127, A1 ; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A25, ERN 01055579, A34, ERN 01055579-01055580, A37, ERN 01055581, A50, ERN 01055582, A52, A55 (Witness referring to to Kouk Prech and Kampeng as “*villages*”); **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178462, A4; ; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985591, A34;

<sup>1469</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031842, A63; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151128, A6; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055579-01055580, A37. **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586-00985587, A4, cf. ERN 00985591, A36-A37 (stating that villagers were living in Preil Village)

<sup>1470</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578, A25, A29, ERN 01055579, A34.



descent, as well as their spouses and children.<sup>1471</sup> The applicant's cousin had a Vietnamese wife and four children who all spoke with an accent; the entire family was killed.<sup>1472</sup> The civil party applicant's toddler was killed in the bamboo forest.<sup>1473</sup>

540. Another civil party applicant describes an incident in which four Khmer Krom accused of being Vietnamese "*spies*" had their wrists tied before three of them were executed behind the pagoda and one escaped.<sup>1474</sup>

541. A civil party applicant states that only some of the approximately ten Khmer Krom families from Ba Chuc, Vietnam, who had been sent to Wat Preil survived, as the rest were killed.<sup>1475</sup> He also provides hearsay evidence of the killing of babies and the execution of women in July or August 1978 in Prey Nhenh, near Preil Village.<sup>1476</sup> However, this hearsay account, from a civil party applicant who was eleven or twelve years old at the time, is uncorroborated and not sufficiently reliable on its own to find these killings proven to the requisite standard.

542. According to another civil party applicant, a newly recruited Khmer Krom soldier disappeared during the first night after his arrival at the pagoda in March or April 1978.<sup>1477</sup> While the civil party applicant stayed at Preil Village, a further three Khmer Krom workers were taken away at night and disappeared around the same time.<sup>1478</sup> The applicant's two nephews were also taken away at night and disappeared,<sup>1479</sup> and ten

<sup>1471</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055577-01055579, A19-A33. **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178465, A44-A45, ERN 01178467, A77.

<sup>1472</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055578-01055579, A31-A32.

<sup>1473</sup> **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055576-01055577, A17 (the daughter died instantly after being thrown into a bamboo thicket); **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178467, A75 (the daughter was abandoned in the forest).

<sup>1474</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031843, A69, ERN 01031844, A71, ERN 01031845, A83-A84.

<sup>1475</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994-00979995, A30.

<sup>1476</sup> **D118/163**, Written Record of Interview of Civil Party Applicant Prom Saroeun, 3 December 2013, ERN 00979994-00979995, A26, A30-A31.

<sup>1477</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053694, A109-A111, ERN 01053682, A17.

<sup>1478</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053695, A113.

<sup>1479</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053696, A114-A116.



members of his unit were starved.<sup>1480</sup> The same civil party applicant believes that Khmer Krom were treated differently as they were “*smashed*” if they did something wrong.<sup>1481</sup> For instance, if caught foraging for food, Khmer Krom were accused of being enemies and disappeared.<sup>1482</sup>

543. One civil party applicant heard from survivors of Wat Preil that Khmer Krom who were trying to flee to Vietnam in 1978 were chased by the DK authorities and executed in the jungle near the village upon capture.<sup>1483</sup>

544. After the fall of DK, another civil party applicant saw a mass grave containing bones and clothes in a mountain cavern in Preil Village, which he estimates to have contained about 1,000 bodies.<sup>1484</sup> He was told by “*the base people*” that the bodies were Khmer Krom who had been beaten to death, but the basis of their knowledge is unclear. The civil party applicant concedes that some of the remains could have been from people other than Khmer Krom.<sup>1485</sup> It is also unclear what the dimensions of the cavern were and how the civil party applicant arrived at the number: for instance, in regard to three graves in Saom Village, of which the CIJs are not seized, the civil party applicant admits that he could not count the number of corpses.<sup>1486</sup> Hence, while this evidence shows that a significant number of people were killed at Preil Village, and that many of them were likely Khmer Krom, it is not sufficiently reliable to make a finding to the requisite standard of proof that a particular number of Khmer Krom were killed in this incident.

545. Based on the specific instances of killing seen by witnesses and civil party applicants described above, a conservative minimum of 16 people were killed at Preil Village, at

<sup>1480</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053695, A114.

<sup>1481</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053695, A117.

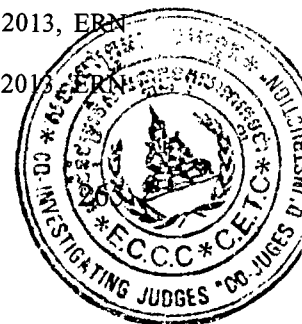
<sup>1482</sup> **D219/49**, Written Record of Interview of Civil Party Applicant Tob Nget, 21 October 2014, ERN 01053695, A118.

<sup>1483</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031948, A59.

<sup>1484</sup> **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN 00970048-00970049, A60-A74.

<sup>1485</sup> **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN 00970048, A61-A62, 00970050, A74.

<sup>1486</sup> **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 1 November 2013, ERN 00970048-00970049, A70.



least 10 of them Khmer Krom. In light of the mass grave discovered in the village, the actual number of Khmer Krom and other victims is likely to be much higher.

### *Visits by Yim Tith*

546. There is no evidence that **Yim Tith** visited Preil Village.

#### *5.5.1.4 Wat Angkun Execution Site*

##### *Location and establishment*

547. The pagoda of Wat Angkun was located in Kampeang Commune, Kirivong District, Takeo Province, within Sector 13 of the Southwest Zone;<sup>1487</sup> it was surrounded by rice fields in an area which today is Prasat Village.<sup>1488</sup>

##### *Structure and personnel*

548. Wat Angkun was used as an office by the CPK of Kirivong District,<sup>1489</sup> including for district and commune level meetings and trainings which were held there at least in 1976 and 1977.<sup>1490</sup> The local chain of command is not clear. From late 1976, it was also used to accommodate youth units, whose members were predominately Khmer Krom from Kampeang Commune, Kouk Prech Commune and, from early 1978, from Kampuchea Krom.<sup>1491</sup>

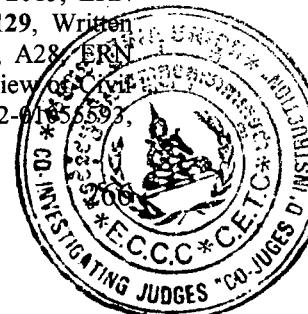
<sup>1487</sup> **D105/21**, Written Record of Investigation Action, 26 April 2012, ERN 00803438; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985604, A137-A138; **D219/471**, Written Record of Interview of Witness Toem Phal, 21 August 2015, ERN 01154818, A94. Cf.: **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132636, A23-24; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178462, A3 (providing different names for the village in which the pagoda was located within Kampeang Commune). See also **D5/118**, Civil Party Application of May Sokhan, 29 December 2009, ERN 00426836; **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970020-00970021, A54-A63 (Angkun Village).

<sup>1488</sup> **D105/21**, Written Record of Investigation Action, 26 April 2012, ERN 00803438; **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A24.

<sup>1489</sup> **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451525, A16, A21. See also *Role and authority of Yim Tith in the Southwest Zone*, paras 337-341.

<sup>1490</sup> **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451525, A16-A24, ERN 01451528, A55-A61; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055592, A126; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178463, A5-A17, ERN 01178464, A21-A22.

<sup>1491</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132637, A27, ERN 01132638-01132639, A39-A41, A43, ERN 01132642, A76-A77; **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970017, A28, ERN 00970018, A39, ERN 00970020, A57, ERN 00970021, A64; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055575, A9, ERN 01055587, A85, ERN 01055592-01055593.



*Killings*

549. Khmer Krom who attended meetings at Wat Angkun were threatened with death if they contacted their relatives, and people were taken away “to study”, which meant that they were taken to be killed.<sup>1492</sup> Some of them at least had to work and refusal to work could also result in being killed.<sup>1493</sup>
550. A Khmer Krom civil party applicant was at Wat Angkun for five days in late 1976 with his youth unit. During this time, three or four Khmer Krom members of his unit disappeared after having their backgrounds checked in detail. He does not believe they were targeted because they were Khmer Krom, but rather because they had connections to the Khmer Republic.<sup>1494</sup> He also saw dead bodies which had not been completely buried, between 50 and 200 metres from the pagoda on the way to his worksite,<sup>1495</sup> however, he does not give any further detail.
551. Another civil party applicant, who had been transferred from Kampuchea Krom in May 1978, describes how on Pchum Ben in 1978 he saw bodies in a mass grave located outside the Wat Angkun compound while tending cattle nearby.<sup>1496</sup> He does not know when these people were killed nor how many there were, but the strong stench emanating from the grave indicates relatively recent killings.<sup>1497</sup>
552. Another Khmer Krom civil party applicant based in Wat Angkun for one month in late 1978 recalls that during a lunch break the chairman of the children’s unit called on an

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A126-A128; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178463, A5, A8, 01178464, A21-A22; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031949, A69, ERN 01031951, A81-A82; **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148853, A9; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985604, A140; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178464, A21-31.

<sup>1492</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178463, A5-A17, ERN 01178464, A31; **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055592-01055593, A126-A128.

<sup>1493</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Sem, 28 August 2015, ERN 01178464, A32-A34.

<sup>1494</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132638-01132639, A36-A46.

<sup>1495</sup> **D219/379**, Written Record of Interview of Civil Party Applicant Lach Sambath, 26 June 2015, ERN 01132638-01132639, A36-A42.

<sup>1496</sup> **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970020, A55-A57 (see ERN 00970017, A28, ERN 00970018, A40 for his arrival in Kampeng Commune).

<sup>1497</sup> **D118/129**, Written Record of Interview of Civil Party Applicant Mey Sokhan, 29 October 2013, ERN 00970020, A58, ERN 00970021, A65.



11- or 12-year-old Khmer Krom child to sing. When the child sang a Vietnamese song he was beaten to death with a hoe about 50 metres away from the other children.<sup>1498</sup>

### *Total number of victims*

553. The evidence at this site allows a definitive conclusion only for a minimum of **four** victims, all of them Khmer Krom. This number is based on the **three** Khmer Krom who disappeared from a civil party applicant's youth unit in late 1976 and **one** Khmer Krom child beaten to death in front of his children's unit in late 1978. The bodies seen in the mass graves may overlap to some extent and even their approximate number is uncertain; they cannot therefore be used in the calculation. It is, however, very likely that there were more victims than only four.

### *Visits by Yim Tith*

554. One witness states that in 1976, **Yim Tith**, came to Wat Angkun in his role as District Secretary and convened a meeting.<sup>1499</sup> While the witness did not attend the meeting, he was tasked by the Tralach Commune authorities with the implementation of the measures announced by **Yim Tith**. Civilians and cadres were subsequently relocated.<sup>1500</sup> The witness attended another session held at the school within Wat Angkun by **Yim Tith** around the holiday of Pchum Ben, likely in 1977. **Yim Tith** spoke about CPK policy, including reconstructing democracy and socialism, the "leap forward" policy and agriculture.<sup>1501</sup>

#### 5.5.1.5 Slaeng Village Forest Execution Site

##### *Location and establishment*

555. Slaeng Village was located in Kouk Prech Commune, Kirivong District, Takeo Province, within Sector 13 of the Southwest Zone.<sup>1502</sup> From approximately April 1978

<sup>1498</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031951, A81, 01031950, A77; **D219/450**, Written Record of Interview of Civil Party Applicant Kong Samnang, 7 August 2015, ERN 01148851-01148853, A1-A8.

<sup>1499</sup> **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451525, A15-A18.

<sup>1500</sup> **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451525-01451526, A15-A29.

<sup>1501</sup> **D219/961**, Written Record of Interview of Witness Ben Roth, 29 March 2017, ERN 01451528, A55-A59.

<sup>1502</sup> **D105/6**, Written Record of Interview of Witness Hor Yan, 19 March 2012, ERN 00841986, A58-D18/203, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586, A4. **D118/264**, Written



to the end of DK the pagoda within the village, Wat Slaeng, was used to house Khmer Krom who had been forcibly transferred from Kampuchea Krom, although there is some uncertainty in the evidence regarding the question of whether they were held exclusively at the pagoda, or a school or possibly even on the village territory as a whole.<sup>1503</sup>

### *Structure and personnel*

556. Ta Poh was the village chief who oversaw the workforce at Slaeng Village together with Ta Pok and Ta Rou.<sup>1504</sup>

### *Transfers*

557. By early 1978, the CPK military moved Khmer Krom from Kampuchea Krom to villages in Sector 13,<sup>1505</sup> including Slaeng Village.<sup>1506</sup> After a brief period at Wat Preil, armed soldiers escorted a number of Khmer Krom groups to Slaeng Village.<sup>1507</sup> Other Khmer Krom were transferred from Kampeang and Kouk Prech communes to Slaeng Village sometime after April or May 1978.<sup>1508</sup> In one case a group of about 50 families (50 x 4 persons = 200 persons) travelled by foot from Kouk Prech Commune without

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Record of Interview of Civil Party Applicant Pen Heang, 04 December 2013, ERN 00980249, A41. **D219/488**, Written Record of Interview of Witness Moeng Vet, 1 September 2015, ERN 01170599, A150

<sup>1503</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586, A4; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A21; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031847, A101; *cf. one civil party applicant who states that the building was a school, not a pagoda: D219/449*, Written Record of Interview of Civil Party Applicant Yem Yorn, 06 August 2015, ERN 01151131, A26.

<sup>1504</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031945, A32. **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031851, A131, A133. **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031945, A32-A33.

<sup>1505</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031848, A111-A112 (roughly four month before the Vietnamese troops arrived, thus in August or September 1978 *see* ERN 01031855, A161).

<sup>1506</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031847, A101, ERN 01031848, A110; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985592, A40, ERN 00985593, A49 (was in Slaeng Village in the early months of 1978, *see* ERN 00985587, A4, ERN 00985593, A56); **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985593, A50.

<sup>1507</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031848, A112-A113.

<sup>1508</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Sem, 28 August 2015, ERN 01178463, A5 (regarding the timing of the transfer in June 1978, *see* ERN 01178462-01178463, A1-A4, A5); **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151130, A15-A16 (sometime after April or May 1978, *see* ERN 01151127, A1).



even being escorted, merely on orders of *Angkar*.<sup>1509</sup> At least one group of Khmer Krom who had arrived from Kampuchea Krom was sent to neighbouring Kampeang Commune after two or three months at Slaeng Village.<sup>1510</sup>

558. Following their escort to Wat Slaeng, Khmer Krom were handed over to the village chief and deputy village chief and assigned to different labour units.<sup>1511</sup> They were housed in the pagoda or school building.<sup>1512</sup> Those assigned to such units were not allowed to visit other houses in the village, nor leave the village; militia monitored their movements.<sup>1513</sup>
559. The evidence on who lived in the village at what time is somewhat unclear. Two Khmer Krom who lived in Slaeng Village in 1978 state that only people transferred from Kampuchea Krom stayed in the village.<sup>1514</sup> One civil party applicant claims that from around August or September 1978, base people were living in the village, while his group of Khmer Krom were confined to the pagoda.<sup>1515</sup> Another civil party applicant states that while the village was empty when she arrived around May or June 1978, at some point after that base people “*from other places*” were also sent to Slaeng Village to work alongside the Khmer Krom.<sup>1516</sup> She remembers that at that time there

<sup>1509</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151129, A14, 01151133, A37-A39.

<sup>1510</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985593, A56.

<sup>1511</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031850-01031853, A126, A129-A130, A138, A142; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A23-A24, 01031947, A49; **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985593, A51, ERN 00985596, A78; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151131, A23; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178466, A64-A65.

<sup>1512</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985586, A4; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A21; **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031847, A101; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151131, A26, ERN 01151133, A34, A40.

<sup>1513</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985594, A60; **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151132, A30; **D219/482**, Written Record of Interview of Civil Party Applicant Lach Seb, 28 August 2015, ERN 01178466, A65.

<sup>1514</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985593, A54; **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, 01031946, A37, ERN 01031947, A49.

<sup>1515</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031850, A129, ERN 01031852, A137-A138.

<sup>1516</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151131, A26, ERN 01151133, A34, A37-A40, ERN 01151134, A41, ERN 01151134, A41, A43. See also, at the same time, see ERN 01031855, A16).





were approximately 100 Khmer Krom at Slaeng Village, and overall there were hundreds of people living in the village.<sup>1517</sup>

### *Killings*

560. During a self-criticism meeting in Slaeng Village in mid- to late 1978, the village chief asked the Khmer Krom present to put their names on two separate lists, one for those who wanted to return to Kampuchea Krom and the other for those who wished to stay. That same evening, those whose names were on the first list were taken away in horse carts; they were never seen again.<sup>1518</sup> At another such meeting in 1978, the “*Khmer Rouge*” warned the Khmer Krom in Slaeng Village not to flee to Vietnam; they announced that Khmer Krom who fled to Vietnam were “*people with Vietnamese heads on Khmer bodies*”, who had to be eliminated, and none of whom should be spared.<sup>1519</sup>
561. One civil party applicant recalls that in 1978 three Khmer Krom men were killed at Wat Slaeng by the “*Khmer Rouge*” for stealing a cow. Desperate with hunger, they had secretly slaughtered the cow while herding cattle and hidden the meat in the forest.<sup>1520</sup> The civil party applicant had himself eaten from that meat but it is unclear whether he personally saw the three men being killed.<sup>1521</sup> A witness who was at Slaeng Village for one to three months in early 1978 states that people who refused to work were never seen again, with the only reasonable assumption being that they were killed.<sup>1522</sup> Approximately one month after their arrival in Slaeng Village in April or May 1978, the elder brother and two children of one civil party applicant disappeared forever after being told that they would be sent to work somewhere else.<sup>1523</sup> However, it is unclear whether they were killed at Slaeng Village.

<sup>1517</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151133, A34.

<sup>1518</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031854, A154, *see regarding timing* ERN 01031855, A161.

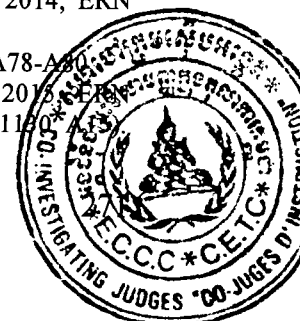
<sup>1519</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031951, A84.

<sup>1520</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031946-01031947, A45-A46.

<sup>1521</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031946-01031947, A45.

<sup>1522</sup> **D118/203**, Written Record of Interview of Witness Doek Pet, 17 March 2014, ERN 00985595, A78-A80.

<sup>1523</sup> **D219/449**, Written Record of Interview of Civil Party Applicant Yem Yorn, 6 August 2015, ERN 01151130, A17, A20, ERN 01151131, A21 (*see regarding time-line* ERN 01151127, A1, ERN 01151132, A1).



562. In late 1978 a civil party applicant came across many piles of human bones in a forest behind the pagoda, at the foothill of a mountain on the north-eastern side; the state of the remains he saw is unclear.<sup>1524</sup> Another civil party applicant saw a pit full of skulls as she was searching for lost cows near Wat Slaeng sometime after May 1978; the remains he saw were in varying states of decomposition.<sup>1525</sup> Another witness, who is not a Khmer Krom, saw dead bodies in late 1978 while being transferred past Slaeng Village; again their state of decomposition is unclear.<sup>1526</sup> However, it can be deduced from the totality of this evidence that the killing had gone on until very recently before they made their observations, because the more abstract statements about “bones” and “skulls” do not contradict the specific testimony about various states of decomposition.
563. There is some hearsay evidence of killings at Slaeng Village, but this evidence is not sufficiently reliable. One civil party applicant learned after the collapse of DK that Khmer Krom were killed at Slaeng Village, but this hearsay evidence is of unknown origin.<sup>1527</sup> Another civil party applicant relates that her sister, who was transferred to Slaeng Village in August or September 1978, came across human bones in a bamboo forest; however, it is not clear whether this forest was in or near Slaeng Village.<sup>1528</sup>

#### *Total number of victims*

564. Although the evidence from several witnesses allows the inference that groups of people, including Khmer Krom, were killed, because they disappeared and were never seen again and because there were human remains near Slaeng village, the evidence is not sufficiently specific to form a proper basis for a calculation of the number of victims at this site, Khmer Krom or otherwise.

#### *Visits by Yim Tith*

565. There is no evidence that **Yim Tith** visited the site.

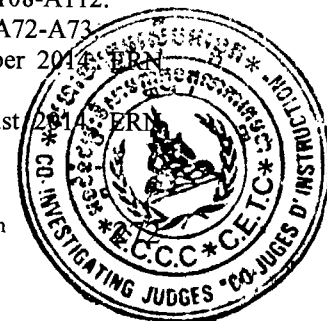
<sup>1524</sup> **D118/253**, Written Record of Interview of Civil Party Applicant Kong Samnang, 12 June 2014, ERN 01031944, A22-A23; ERN 01031945, A26.

<sup>1525</sup> **D219/482**, Written Record of Interview of Civil Party Applicant Lach Sem, 28 August 2015, ERN 01178466-01178467, A70-A72 (regarding the time, *see* ERN 01178462-01178463, A1, A4-A5); **D118/233**, Written Record of Interview of Civil Party Applicant Lach Sem, 9 May 2014, ERN 01055590, A108-A112.

<sup>1526</sup> **D219/326**, Written Record of Interview of Witness Hor Yan, 22 May 2015, ERN 01112039, A72-A73.

<sup>1527</sup> **D118/131**, Written Record of Interview of Civil Party Applicant Sann Touch, 30 October 2014, ERN 00970050, A78. *See also* **D65.1.28**, Civil Party Application of Sann Touch, ERN 00426780.

<sup>1528</sup> **D118/291**, Written Record of Interview of Civil Party Applicant Khin Suo, 26 August 2014, ERN 01031853, A148.



### 5.5.1.6 Wat Ang Serei Muny and Prey Sokhon Execution Site

566. Wat Ang Serei Muny was a detention centre in Samply Village, Prey Khla Commune, Koh Andet District, Sector 13 of the Southwest Zone.<sup>1529</sup> It comprised a pagoda used as a district office, a school building initially used to detain prisoners, and from May 1976 onwards, a purpose-built detention hall.<sup>1530</sup>
567. There was a killing site in Prey Sokhon Forest,<sup>1531</sup> two kilometres to the west of a 2.5-kilometre path connecting Samply and Sy Sla villages.<sup>1532</sup> Today the site is accessed via a track which begins one kilometre north of Samply Village, on the path to Sy Sla Village. During DK, the area was covered in thick jungle, which has since been cleared and converted to rice fields.<sup>1533</sup>
568. There was another detention site at Tuol Kouk Srok in Sy Sla Village of which the CIJs were not seised;<sup>1534</sup> some victims at the Prey Sokhon site had come from Tuol Kouk Srok.
569. The Wat Ang Serei Muny and Prey Sokhon Forest sites were in operation from shortly after 17 April 1975 until at least November 1978.<sup>1535</sup>

<sup>1529</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870-00945871, A3, A12, ERN 00945874, A36; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A7-A8; **D219/568**, Written Record of Interview of Witness Mom Pholla, 30 October 2015, ERN 01182727, A51, ERN 01182728, A54; **D119/82**, Written Record of Interview of Witness Neang Ouch, 28 January 2014, ERN 00981139, A16, ERN 00981147, A62. *See also* **D119/9**, OCIJ Site Identification Report, 4 December 2012, ERN 00887253-00887254; **D119/9.1**, Annex 1: Map of Takeo Road Network, 4 December 2012, ERN 00887256. *Also known as:* Wat Ang Srei Muny/Serei Mealy/Meali.

<sup>1530</sup> **D119/9**, OCIJ Site Identification Report, 4 December 2012, ERN 00887254; **D119/9.2**, Annex 2: Photos of Site Identification Report, 4 December 2012, ERN 00882068-00882073; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870, A2, 00945871, A8-9, A11-A12, A14, 00945874, A33; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185739, A16.

<sup>1531</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876145-00876146, A35-A37; **D119/7**, Written Record of Interview of Witness Mom Pholla, 8 December 2012, ERN 00876159, A21-A28; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A28, A30, ERN 00945874, A33-A34; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178844, A34, A36, ERN 01178845, A37; **D119/16**, Written Record of Interview of Witness Kao Chheng, 28 February 2013, ERN 00919150, A12; **D219/604**, Written Record of Interview of Witness Sam Touch, 18 November 2015, ERN 01184874, A69-A70. *See also* **D119/4**, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876981, A30.

<sup>1532</sup> **D119/10**, OCIJ Site Identification Report, 6 December 2012, ERN 00887251; **D119/10.2**, Annex 2: Photos of Site Identification Report, 15 February 2013, ERN 00882060-00882067.

<sup>1533</sup> **D119/10**, OCIJ Site Identification Report, 6 December 2012, ERN 00887250-00887252; **D119/10.2**, Annex 2: Photos of Site Identification Report, 15 February 2013, ERN 00882060-00882067.

<sup>1534</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876145, A28-A32; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178848, A66; **D63** Co-Prosecutors' Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer, 18 July 2011, para. 15.



*Structure and personnel*

570. Wat Ang Serei Muny was under the control of the Koh Andet District military, which was based at the site from 1975 until the arrival of the Vietnamese troops.<sup>1536</sup>
571. Witness Vorng Nob lived next to the pagoda until mid-1975, and remained in Samply Village throughout DK.<sup>1537</sup> He states that in the period after 17 April 1975, his childhood friend Maong was the security office chairman who oversaw Wat Ang Serei Muny and determined who was to be executed.<sup>1538</sup> Vorng Nob also states that Maong held the role of “Sector 108” police chairman, but is clearly conflating Sector 13 and District 108.<sup>1539</sup> Given that the site was under control of the district, it is likely that Maong was in charge of security in District 108 (Koh Andet District). Maong was killed sometime around the middle of DK, and it is not known who replaced him.<sup>1540</sup>
572. Although there is sparse evidence regarding the precise time frames, for at least part of DK, San was Secretary of Koh Andet District,<sup>1541</sup> and Soeun served on the Koh Andet District Committee.<sup>1542</sup>

<sup>1535</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870, A4, 00945871, A8, 00945874, A34; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178846, A47.

<sup>1536</sup> **D119/4**, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876980, A18-A21; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178845, A40, 01178846, A47; **D119/16**, Written Record of Interview of Witness Kao Chheng, 28 February 2013, ERN 00919151, A20.

<sup>1537</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870, A1-A2, A5; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A9, 01185747, A64.

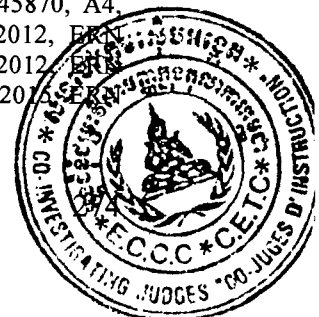
<sup>1538</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A26.

<sup>1539</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185742, A35-A39; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A26.

<sup>1540</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185743, A40; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A26.

<sup>1541</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876146, A39; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178851, A90; **D119/16**, Written Record of Interview of Witness Kao Chheng, 28 February 2013, ERN 00919149, A6, ERN 00919152, A27; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870, A4. *See* **D119/4**, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876980, A20-A21.

<sup>1542</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945870, A4, 00945871, A15; **D119/6**, Written Record of Interview of Witness Sam Touch, 8 December 2012, ERN 00877453, A16; *cf.* **D119/4**, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876980, A20-A21; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178846, A48.



*Arrests and detention*

573. Shortly after 17 April 1975, thousands of people, many of them Khmer Krom, were transferred from Phnom Penh, Takeo, and Kampong Som to Koh Andet District, including to Samply Village and neighbouring Sy Sla Village.<sup>1543</sup> The arrivals from Phnom Penh and Takeo were considered “enemies” and were held in the school building inside Wat Ang Serei Muny.<sup>1544</sup> The people kept at the school were not shackled but were not allowed to move freely within the compound.<sup>1545</sup> Witness Vorng Nob states that he did not know the number of Khmer Krom who arrived from Takeo and Phnom Penh because he was not allowed to stay close to them, but based on hearsay from a local villager he estimates that there were around 400 Khmer Krom families.<sup>1546</sup> He knew that they were Khmer Krom because he spoke to some of them as they were arriving in Samply Village.<sup>1547</sup> He was also told by security personnel that there were an additional 400 non-Khmer Krom families, whom he states were held in the school building at Wat Ang Serei Muny.<sup>1548</sup> However, considering the limited size of the school building which could not have held 400 families of an average size of 4 members, I am not convinced that Vorng Nob’s estimate of 400 Khmer Krom families held at the school based on hearsay is sufficiently reliable.<sup>1549</sup> Nevertheless, on balance and viewing the substance of the entirety of Vorng Nob’s evidence in the round, it can be concluded that a large number of the people held at Wat Ang Serei Muny were Khmer Krom and that they numbered in the hundreds.

<sup>1543</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876142, A3-A7, 00876142, A5, ERN 00876143, A12, A16; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A8, A9, A13, ERN 00945872, A17-A18; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A7-A8, ERN 01185740, A21-A23; **D119/7**, Written Record of Interview of Witness Mom Phalla, 8 December 2012, ERN 00876157, A5, ERN 00876158, A15.

<sup>1544</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A7, 01185741, A25, A28; **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A9, A14.

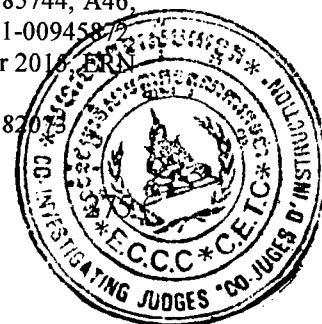
<sup>1545</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A14, ERN 00945873, A26-A28; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185739, A16.

<sup>1546</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185740-01185742, A22-A24, A32-A33.

<sup>1547</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185740, A20.

<sup>1548</sup> **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185744, A46; Cf: **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871-00945872, A13, A17-A18; see also **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178843-01178844, A26-35.

<sup>1549</sup> **D119/9.2**, Annex 2: Photos of Site Identification Report, 4 December 2012, ERN 00882068-00882070.



574. After the establishment of the purpose-built detention building at Wat Ang Serei Muny in May 1976, new prisoners from various villages in Koh Andet District were detained in that building.<sup>1550</sup> These prisoners, however, were shackled at all times.<sup>1551</sup> It is unclear if any of them were Khmer Krom.

### *Killings*

575. All of the Khmer Krom transferred to Wat Ang Serei Muny from Takeo and Phnom Penh were killed in Prey Sokhon Forest within weeks of their arrival.<sup>1552</sup> Some of the non-Khmer Krom people from Phnom Penh and Takeo may have been moved to a different location at some point, but others were killed alongside the Khmer Krom.<sup>1553</sup>

576. The killings at Prey Sokhon Forest were ordered by the “upper levels”, as people from Phnom Penh and Takeo were considered “enemies”.<sup>1554</sup> The Chairman of Wat Ang Serei Muny reported progress on the killing operation up the chain of command.<sup>1555</sup>

577. Over the course of two to three months from May or June 1975, Vorng Nob saw at least ten detainees per day (conservative minimum: 60 days x 10 people = 600) being escorted by armed militiamen from the pagoda past his house (west of the pagoda) towards Prey Sokhon Forest.<sup>1556</sup> Vorng Nob’s friend Maong, the Chairman of the security office, told him about the fate of those taken away: columns of detainees were escorted to a “meeting place” by armed militiamen, with one behind and one in front of the column. At the “meeting place” they were told that they would be transferred to a new village; in fact they were then met by yet more militiamen, tied up and taken to the killing site, where they were beaten to death.<sup>1557</sup> Vorng Nob, who did not personally

<sup>1550</sup> D119/2, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945874, A33.

<sup>1551</sup> D119/2, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945874, A33.

<sup>1552</sup> D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185738, A7, 01185744-01185745, A46-A47, A51-A52; D119/4, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876982, A36; D219/591, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178844-01178845, A36-A37.

<sup>1553</sup> D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185744, A46-A49. D219/591, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178844, A36.

<sup>1554</sup> D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185741, A25, A28, ERN 01185743, A44-A45.

<sup>1555</sup> D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185743, A44, ERN 01185747, A67.

<sup>1556</sup> D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185746, A61, ERN 01185747-01185748, A64-A66, A73.

<sup>1557</sup> D119/2, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945871, A6, A34, 00945873-00945874, A25, A31, A33; D219/592, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185739-01185740, A13, A16-A18, ERN 01185744-01185746, A47, A51-A60.



witness the killing, was asked to help move prisoners, beat them and bury the victims, but he claims that he refused.<sup>1558</sup> It cannot be excluded that this happened before **Yim Tith** assumed a formal position in Sector 13; hence they have not been counted towards total victim numbers.

578. Persons kept at Tuol Kouk Srok in Sy Sla Village were also executed at Prey Sokhon Forest. Every day in the course of a month in January or February 1976, a witness who was herding cows nearby saw two or three people being led from what he alleges was Tuol Kouk Srok to Prey Sokhon Forest, where they were clubbed to death with bamboo sticks after having been forced to dig their own graves.<sup>1559</sup> Some victims survived the beating but were buried alive along with the dead.<sup>1560</sup> However, the witness states that there were no Khmer Krom among the victims from Tuol Kouk Srok.<sup>1561</sup>
579. Another witness, who was 11 or 12 years old at the time, recalls CPK personnel clubbing people to death and dropping their bodies into a pit in Prey Sokhon Forest in 1977 or 1978.<sup>1562</sup> While she was working in a nearby field, she saw militia members leading about 30 males and females, including five or six children, with their arms tied behind their backs, towards pits that had already been dug, killing them with sticks, and finally pushing their bodies into the pits.<sup>1563</sup> The witness later heard that people taken to the forest and killed were Khmer Krom, yet her evidence is not sufficiently clear to conclude that the specific victims she saw were Khmer Krom.<sup>1564</sup>
580. These accounts are corroborated by other witnesses mentioning that people at Tuol Kouk Srok were regularly tied up and taken towards the forest, never to return.<sup>1565</sup> Furthermore, “base people” at Sy Sla Village referred to Prey Sokhon Forest as “the

<sup>1558</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A28; **D219/592**, Written Record of Interview of Witness Vorng Nob, 12 November 2015, ERN 01185741, A25.

<sup>1559</sup> **D219/604**, Written Record of Interview of Witness Sam Touch, 18 November 2015, ERN 01184874-01184875, A70-A74, A79-A80; *See* **D119/6**, Written Record of Interview of Witness Sam Touch, 8 December 2012, ERN 00877452, A7-12.

<sup>1560</sup> **D219/604**, Written Record of Interview of Witness Sam Touch, 18 November 2015, ERN 01184874, A74.

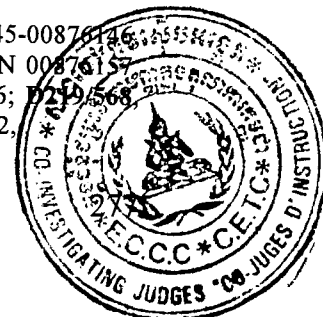
<sup>1561</sup> **D219/604**, Written Record of Interview of Witness Sam Touch, 18 November 2015, ERN 01184874, A75.

<sup>1562</sup> **D119/7**, Written Record of Interview of Witness Mom Phalla, 8 December 2012, ERN 00876159-00876160, A22-A24, A32; **D219/568**, Written Record of Interview of Witness Mom Phalla, 30 October 2015, ERN 01182733, A95-A97.

<sup>1563</sup> **D219/568**, Written Record of Interview of Witness Mom Phalla, 30 October 2015, ERN 01182729-01182731, A64-A73, A78-A81.

<sup>1564</sup> **D219/568**, Written Record of Interview of Witness Mom Phalla, 30 October 2015, ERN 01182730, A74, 01182731, A82, A84.

<sup>1565</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876145-00876146, A29-A37; **D119/7**, Written Record of Interview of Witness Mom Phalla, 8 December 2012, ERN 00876157, A8; **D119/4**, Written Record of Interview of Sam Kun, 7 December 2012, ERN 00876981, A26; **D219/568**, Written Record of Interview of Witness Mom Phalla, 30 October 2015, ERN 01182735, A110-A112.



*place where they took people to kill*".<sup>1566</sup> Although villagers routinely crossed the path between Samply and Sy Sla villages, access to Prey Sokhon Forest was restricted.<sup>1567</sup>

581. During and after DK, local villagers saw pits filled with corpses in the area of Prey Sokhon Forest. Sometime during DK, likely before 1978, witness Vorng Nob saw the bodies of two girls who had been killed close to Prey Sokhon Forest, on the path to Tuol Kouk Srok. On orders of his chief, he re-buried them in the same location.<sup>1568</sup> On his way to work in the rice fields during DK, Vorng Nob, who did not give a more specific date for this, also saw pits with corpses at Prey Sokhon Forest,<sup>1569</sup> which were left open as more bodies were added every day, resulting in a stench and "*swarms of flies flying throughout the jungle*".<sup>1570</sup> Vorng Nob took OCIJ investigators to the location of three of these former pits, in an area now used as rice fields, north-west of Samply Village and to the west of the track between Samply and Sy Sla villages.<sup>1571</sup> He explained that during DK there was one circular pit – about 20 metres in diameter and approximately two metres deep – and two rectangular pits which were, ten metres long and five metres wide and two metres deep.<sup>1572</sup>
582. Two other witnesses also saw multiple pits and many human remains at Prey Sokhon Forest after the fall of DK.<sup>1573</sup>

<sup>1566</sup> **D119/5**, Written Record of Interview of Witness Hang Song, 7 December 2012, ERN 00876145, A35-A36.

*See also* **D119/6**, Written Record of Interview of Witness Sam Touch, 8 December 2012, ERN 00877452, A12.

<sup>1567</sup> **D119/4** Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876981, A28-A29.

<sup>1568</sup> **D119/4**, Written Record of Interview of Witness Sam Kun, 7 December 2012, ERN 00876981-00876982, A30-A32; **D219/591**, Written Record of Interview of Witness Sam Kun, 10 November 2015, ERN 01178848, A60-A66.

<sup>1569</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945873, A30-A31.

<sup>1570</sup> **D119/2**, Written Record of Interview of Witness Vorng Nob, 5 December 2012, ERN 00945874, A34-A35.

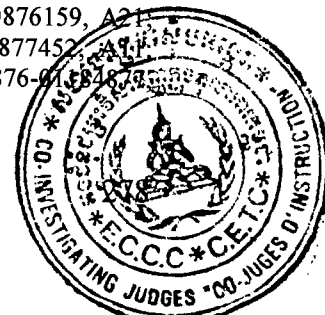
<sup>1571</sup> **D119/10**, OCIJ Site Identification Report, 6 December 2012, ERN 00887250-00887251.

<sup>1572</sup> **D119/10.2**, Annex 2: Photos of Site Identification Report, 15 February 2013, ERN 00882066-00882067.

<sup>1573</sup> **D119/7**, Written Record of Interview of Witness Mom Phalla, 8 December 2012, ERN 00876159, A21.

**D119/6**, Written Record of Interview of Witness Sam Touch, 8 December 2012, ERN 00877452.

**D219/604**, Written Record of Interview of Witness Sam Touch, 18 November 2015, ERN 01184876-01184877, A88-A92.





*Total number of victims*

583. A conservative minimum of **90** victims were killed at Wat Ang Serei Muny and Prey Sokhon Forest, but very likely many more. This estimate is based on the following calculations:

- i. The killing of two or three people per day over one month in January or February 1976, from Tuol Kouk Srok and at Prey Sokhon Forest calculated as **60** victims; and
- ii. **30** victims killed in one incident at Prey Sokhon Forest in 1977 or 1978.

584. It is unclear if any of them were Khmer Krom.

*Visits by Yim Tith*

585. There is no evidence that **Yim Tith** visited Wat Ang Serei Muny or Prey Sokhon Forest.

*5.5.2 Sector 1**5.5.2.1 Koas Krala Security Centre**Location and establishment*

586. Koas Krala Security Centre was located in Koas Krala Pagoda, Koas Krala Village, Koas Krala Commune, Koas Krala District, Sector 1, Northwest Zone,<sup>1574</sup> and featured at least two detention facilities (a former rice mill and a study hall).<sup>1575</sup> Southwest Zone cadres established the security centre at Koas Krala Pagoda by no later than mid-1978<sup>1576</sup> where it operated until at least late 1978, shortly before the arrival of

<sup>1574</sup> **D118/37**, Report of the Execution of Rogatory Letter: Site Identification Report, 10 March 2013, ERN 00900756. See **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174575, A31.

<sup>1575</sup> **D118/4**, Written Record of Interview of Witness Kon Choek, 11 January 2013, ERN 00935587, A28, ERN 00935588, A32; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594-00935595, A20; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2014, ERN 00937026, A12; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187733, A26-A28.

<sup>1576</sup> **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935585, A15; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2014, ERN 00937026, A12, ERN 00937027, A16; **D118/294**, Written Record of Interview of Witness Lay Eng, 22 August 2014, ERN 01174575, A2-A3; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935587, A28. See also **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174575, A31.



Vietnamese troops,<sup>1577</sup> who arrived in Sector 1 after the fall of Phnom Penh, although it is unclear whether this happened within a matter of days or weeks.<sup>1578</sup> Although witnesses refer to security centres operational in Koas Krala District prior to the arrival of Southwest Zone cadres,<sup>1579</sup> there is no evidence that these were brought under Southwest Zone control.

### *Structure and personnel*

587. The security centre was administered by Koas Krala District.<sup>1580</sup> District Secretary Kim (or Koem) from the Southwest Zone, who replaced Northwest Zone cadre Yeun (or Yan) after the latter's execution sometime in 1978,<sup>1581</sup> and Kim's deputy, Southwest Zone cadre Paong, were in charge of and often present at the security centre (giving orders to guards and executioners), and conducted and supervised arrests and killings.<sup>1582</sup>

### *Arrests and detention*

588. Upon the arrival of the Southwest Zone cadres, inhabitants of, *inter alia*, Doun Ba, Koas Krala, and Prey Phnheas Villages were arrested and brought to the security centre.<sup>1583</sup> Some were accused of being "traitors",<sup>1584</sup> and detainees included Khmer

A33; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187733, A27; **D219/513**, Written Record of Interview of Witness Sien Soem, 14 September 2015, ERN 01167956-01167957, A39-A42, *confirming* **D219/456**, Written Record of Investigation Action, 12 August 2015, ERN 01129829.

<sup>1577</sup> **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594, A17; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187716, A1-A5.

<sup>1578</sup> **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063720, A90-A91; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 001166165, A8, ERN 01166186-01166187, A112; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050478-01050479, A97-A101; **D219/134**, Written Record of Interview of Civil Party Applicant Net Savoem, 22 December 2014, ERN 01059994-01059996, A124-A131.

<sup>1579</sup> **D219/984**, Written Record of Interview of Witness Sao Chobb, 4 May 2017, ERN 01517558, A8-A11; **D219/763**, Written Record of Interview of Witness Sao Chobb, 17 May 2016, ERN 01337027, A73-A78; **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978795, A10.

<sup>1580</sup> **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935586, A21.

<sup>1581</sup> **D219/514**, Written Record of Interview of Witness Sien Soem, 15 September 2015, ERN 01167963, A4; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187717, A7; **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935584, A3.

<sup>1582</sup> **D219/624**, Written Record of Interview of Witness Pei Poeut, 17 December 2015, ERN 01187717, A7-A9, ERN 01187721, A18; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187734, A31; **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935586, A18, ERN 00935587-00935588, A30-A31; **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174574-01174575, A24-A25, A28.

<sup>1583</sup> **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594, A17; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187716, A1-A5; **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978795, A11; **D118/6**, Written Record



Republic officials,<sup>1585</sup> Northwest Zone cadres and their relatives,<sup>1586</sup> and labourers from nearby worksites such as Thipakdei Cooperative and Anlong Vil Preng, including those who had committed “offences”.<sup>1587</sup> Kim or Paong announced at a meeting in late 1978 at Doun Ba Pagoda (also located in Koas Krala District<sup>1588</sup>) that screening to “remove the bad rice seeds” would take place; shortly thereafter, about two weeks prior to the arrival of the Vietnamese, a Northwest Zone cadre and members of his family were arrested and detained at the security centre.<sup>1589</sup>

589. The daughter of this Northwest Zone cadre, Pei Poeut, herself an eyewitness, recounts that her father was shackled (mainly with other men), for at least three nights, with the shackling of detainees corroborated by another eyewitness.<sup>1590</sup> The daughter was not shackled, but was detained with women and children, and sent to work in rice fields under armed guard.<sup>1591</sup> She estimates that at that time there were between 200 and 300 detainees; another witness, Tum Pheuy, who states the site was operational until late

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of Interview of Witness Lay Eng, 14 January 2014, ERN 00937026, A12. Alternate spellings: Doun/Daun Ba/Pa.

<sup>1584</sup> **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978794, A7, ERN 00978795, A13.

<sup>1585</sup> **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935585, A15, ERN 00935587, A25-A27, ERN 00935587-00935588, A30-A31; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935593, A15, ERN 00935595, A22; **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174576, A34-A35.

<sup>1586</sup> **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935595, A22; **D219/513**, Written Record of Interview of Witness Sien Soem, 14 September 2015, ERN 01167957, A41-A42; **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187716, A5, ERN 01187720, A15; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187728, A4-A6. *See also* **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935587, A24-A27; **D118/294**, Written Record of Interview of Witness Lay Eng, 22 August 2014, ERN 01037355, A5.

<sup>1587</sup> **Thipakdei Cooperative: D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111959, A12; **D219/408**, Written Record of Interview of Witness Sek Chaut, 4 July 2015, ERN011428765, A7 (Cheung Tinh/Tenh is located in Thipakdei Cooperative, *see Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)*, paras 596-598); **Anlong Vil Preng Worksite: D118/294**, Written Record of Interview of Witness Lay Eng, 22 August 2014, ERN 01037356, A4, A7; **D118/6**, Written Record of Interview of Witness Lay Eng, 14 January 2014, ERN 00937027, A12, ERN 00937028, A22-A25; **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978798, A30; **D219/550**, Written Record of Interview of Witness Pek Em, 9 October 2015, ERN 01174598-01174599, A18, A21-A23. *See also* **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935587-00935588, A30.

<sup>1588</sup> **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935586, A20.

<sup>1589</sup> **D219/624**, Written Record of Interview of Witness Pei Poeut, 17 December 2015, ERN 01187716, A1-A5, ERN 01187718, A10-A13.

<sup>1590</sup> **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 00187718-01187719, A13, ERN 01187721-01187722, A18; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187735, A32; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594, A19-A20. *See also* **D219/517**, Written Record of Interview of Witness Soy Chhoun, 21 September 2015, ERN 01166186, A105.

<sup>1591</sup> **D219/624**, Written Record of Interview of Witness Pei Poeut, 7 December 2015, ERN 01187718-01187719, A13; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187718-01187719, A13.



1978, recalls seeing approximately 100 shackled detainees inside one building; and a third witness says that 30-50 people were taken from his village to the security centre.<sup>1592</sup> Three ox-cart drivers recall that, between mid- and late 1978, they transported a total of 14 people of whom 13 were Northwest Zone cadres and members of their families to the security centre or to Doun Ba Pagoda from where Southwest Zone soldiers transported them to the security centre: one transported three family members of a previously removed Northwest Zone cadre, and one unidentified person; the second took a Northwest Zone cadre, his wife and three children; the third moved a Northwest Zone cadre and his four family members.<sup>1593</sup>

590. Although it cannot be excluded, based on the uncertainty of the arrival date of the Vietnamese in the area, that Pei Poeut's account relates to events that occurred, at least partly, outside of the Court's temporal jurisdiction, it is also unlikely on balance that *none* of the people she saw detained were brought to the site on or prior to 6 January 1979, and it is furthermore unlikely that the conditions to which she and others were subjected were only imposed after 6 January 1979, especially considering Tum Pheuy's evidence. A conservative estimate based on the above accounts and considerations is that a minimum of 100 people were detained at the site during the Court's temporal jurisdiction.

### *Killings*

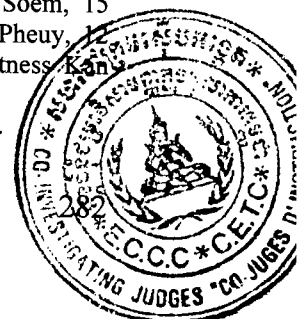
591. One witness was told by a village chief returning from a district meeting that those sent to Koas Krala Security Centre "*would never be released*"<sup>1594</sup> – the evidence set out below supports the conclusion that large-scale killings took place.

592. Pei Poeut observed soldiers call other detainees from the hall under the pretext of returning them to their village, and saw them return with blood-stained hands, and she herself survived a mass execution of approximately 100 prisoners, at least half of whom

<sup>1592</sup> **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187733, A28; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594, A19; **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174576, A36-A37.

<sup>1593</sup> **D219/513**, Written Record of Interview of Witness Sien Soem, 14 September 2015, ERN 01167956-01167957, A39-A42, *confirming* **D219/456**, Written Record of Investigation Action, 12 August 2015, ERN 01129829 (Sean Seum is the same person as Sien Soem, *see* **D219/519**, Written Record of Investigation Action, 23 September 2015, ERN 01149448); **D219/514**, Written Record of Interview of Witness Sien Soem, 15 September 2015, ERN 01167963, A1-A4; **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935592-00935593, A10-A11; **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935587, A24-A27.

<sup>1594</sup> **D118/294**, Written Record of Interview of Witness Lay Eng, 22 August 2014, ERN 01037355, A5.



were related to her father, a Northwest Zone cadre.<sup>1595</sup> It cannot, however, be excluded that these events happened outside of the temporal jurisdiction of the Court, yet, while it cannot therefore form the basis of a charge in this context, it is circumstantial evidence that killings occurred at the site until the very end of DK.<sup>1596</sup> There is also sufficient evidence that other executions preceded this event. One witness heard directly from a survivor of a similar incident that prior to the capture of Phnom Penh by the Vietnamese on 7 January 1979, 75 people were escorted from the security centre to a killing site to the west where at least some had their throats cut by Paong.<sup>1597</sup> This account is partially corroborated by a second witness: although also likely hearsay given that he does not state how he knew about the killing, and also said that he did not enter the security centre often, this second account names the same survivor of the killing, similarly describes his escape, and analogously describes the method of killing.<sup>1598</sup> Another was told, by CPK cadres, of the execution of two of his family members at the security centre in a separate incident soon after the Southwest Zone cadres arrived in the area.<sup>1599</sup>

593. Three witnesses discovered corpses in and around the site within 12 months of the end of DK: the first estimates seeing approximately 10 pits measuring three by four metres, in each of which he counted between 20 and 30 corpses;<sup>1600</sup> the second saw people digging for treasure near the pagoda and estimates there were hundreds of bodies;<sup>1601</sup> the third saw four to 10 skulls, sticking out of two mass graves measuring approximately five by six metres in the eastern part of the pagoda compound.<sup>1602</sup> A fourth identified to the OCIJ graves of varied sizes inside and outside the pagoda compound that he first witnessed during DK, after the arrival of Southwest Zone cadres

<sup>1595</sup> **D219/624**, Written Record of Interview of Witness Pei Poeut, 17 December 2015, ERN 01187716, A1, A5, ERN 01187718-01187720, A13; **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187728, A4, ERN 01187729-01187730, A9-A16.

<sup>1596</sup> **D219/625**, Written Record of Interview of Witness Pei Poeut, 8 December 2015, ERN 01187734, A30.

<sup>1597</sup> **D118/4**, Written Record of Interview of Witness Kan Choek, 11 January 2013, ERN 00935587-00935588, A30-A31.

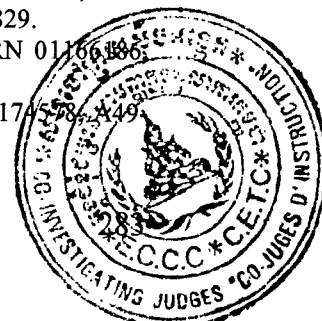
<sup>1598</sup> **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594, A17.

<sup>1599</sup> **D118/3**, Written Record of Interview of Witness Pek Em, 9 January 2014, ERN 00978795, A11-A14.

<sup>1600</sup> **D219/514**, Written Record of Interview of Witness Sien Soem, 15 September 2015, ERN 01167965, A12-A13, *confirming* **D219/456**, Written Record of Investigation Action, 12 August 2015, ERN 01129829.

<sup>1601</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166386, A105-A106.

<sup>1602</sup> **D219/547**, Written Record of Interview of Witness Chhan Laung, 6 October 2015, ERN 01174526, A49, A52.



in the area,<sup>1603</sup> while a fifth saw “many” pits with corpses within the compound; however, it is not clear when he made these observations.<sup>1604</sup>

594. Given that at least one major execution cannot be excluded to have occurred outside of the Court’s temporal jurisdiction, and the other evidence of killings is based on hearsay, the evidence on victim numbers is unclear. Yet, taken together with the evidence about the pits, it can be assumed that a large number of persons were killed at the security centre after the arrival of the Southwest Zone cadres and that killings went on until very close to 7 January 1979.

#### *Visits by Yim Tith*

595. There is no evidence of **Yim Tith** visiting the security centre.

#### 5.5.2.2 *Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)*

##### *Location and establishment*

596. Thipakdei Cooperative was located around Phnom Thipakdei in Thipakdei Commune, Koas Krala District, in Sector 1 of the Northwest Zone.<sup>1605</sup> It covered at least a hundred hectares and encompassed four villages: Cheung Tenh Village and Ta Thok Village to the west of Phnom Thipakdei, Chhay Balangk Village to the northwest; and Thmei Village to the east.<sup>1606</sup> Cheung Tenh Village and Ta Thok Village were next to Phnom

<sup>1603</sup> **D118/5**, Written Record of Interview of Witness Tum Pheuy, 12 January 2013, ERN 00935594-00935595, A18-A21.

<sup>1604</sup> **D118/294**, Written Record of Interview of Witness Lay Eng, 22 August 2014, ERN 01037356, A10.

<sup>1605</sup> **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A4; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A2; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047096, A5; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050469, A37; **D105/16**, Site Identification Report, 24 April 2012, ERN 00803767-00803781; **D219/271**, Site Identification Report, 24 April 2015, ERN 01088864-01088874.

<sup>1606</sup> Cheung Tenh and Ta Thok: **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A8, ERN 01111807, A13; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467, A26; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063715, A65; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149250, A22. Chhay Balangk: **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050465-01050467, A10-A14, A20-A21; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A4; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985152, A20 (investigator’s remark); **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063715, A65; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166774, A58. Thmei village: **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467, A25-A26; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01050467, A25-A26.



Cheung Tenh and Phnom Ta Thok respectively. The cooperative also included Tuol Mtes Worksite, located between Phnom Thipakdei and Kang Hort Dam (another Sector 1 site, see Section 5.5.2.3), around one and a half kilometres from Cheung Tenh.<sup>1607</sup>

597. There were rice fields near Cheung Tenh Village, Phnom Ta Thok, and Phnom Thipakdei.<sup>1608</sup> Killing sites in the area were mainly located around Andoung Thae Luy canal, Kantuot Village, which is near Thmei Village, at the foot of Phnom Thipakdei.<sup>1609</sup>

598. Throughout the cooperative there were worksites for canal or dam construction projects, namely (i) canals connecting Kang Hort Dam to Tuol Mtes, Cheung Tenh, Phnom Ta Thok and Phnom Thipakdei, and (ii) a dam between Cheung Tenh and Chhay Balangk.<sup>1610</sup> While one civil party applicant, who lived in Thmei Village or Ta Thok Village at the time, states that the latter project was suspended when the

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ERN 01056842, A4-A7. *See also* **D118/210**, Written Record of Interview of Witness Hul Peou, 25 March 2014, ERN 00985143-00985144, A13.

<sup>1607</sup> **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A3, ERN 01111811, A36, A38; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A7; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067714, A117; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A21 (investigator's note); **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063715, A64-A65; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149249, A16.

<sup>1608</sup> **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A5, ERN 01111807, A11; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A2, ERN 01092931, A7. *See, in addition*, para. 611.

<sup>1609</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166174, A59; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076964, A25. *See also* **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050481, A117-A118; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207409, A23 (confirming that Boeng Kantuot was the location of a "children's camp"); **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056857, A111-A112, ERN 01056862, A152; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149237, A18, ERN 01149238, A23-A24; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207412-01207413, A49-A50, ERN 01207418, A86, A90.

<sup>1610</sup> (i): **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A4; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056843, A12-A14; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708, A70; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958-01076959, A4-A5; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149254, A43; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244, A14; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111957, A1-A2. (ii): **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6-A8, ERN 01033035, A26-A27; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985152, A20 (investigator's remark); **D118/277**, Written Record of Interview of Witness Sem Yeun, 17 July 2014, ERN 01025269, A26; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050475, A74-A77. *See also* **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987743, A17.



Southwest Zone cadres arrived,<sup>1611</sup> another remembered that he worked on it until late 1978.<sup>1612</sup> While both are of equivalent credibility, the evidence of the civil party applicant, who actually worked on the project, remembers that he did so long after the arrival of the Southwest Zone cadres and thus has first-hand experience of it, is more reliable.

599. The cooperative existed from mid-1975.<sup>1613</sup> Although evidence places their arrival in the area both earlier and later,<sup>1614</sup> the balance of the evidence supports the conclusion that the Southwest Zone cadres arrived at the end of 1977 or in early 1978.<sup>1615</sup> The cooperative remained operational until at least late 1978,<sup>1616</sup> including the farming and

<sup>1611</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050468, A24-A27, ERN 01050475, A74-A77.

<sup>1612</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6-A8, ERN 01033035, A26-A27.

<sup>1613</sup> **D118/210**, Written Record of Interview of Witness Hul Peou, 25 March 2014, ERN 00985142, A6, ERN 00985143, A9-A11; **D118/231**, Written Record of Interview of Civil Party Applicant Haoy Buoy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047095-01047096, A4-A5; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050465-01050466, A10-A14; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056842, A4-A7; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076957, A1-A2.

<sup>1614</sup> Early 1977: **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310-00912311, A12-A13; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174, A10-A11; **D219/11**, Written Record of Interview of Witness Penh Nhanh, 17 September 2014, ERN 01047034, A3. 1978: **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6, ERN 01033037, A42, A44-A45; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047704, A20; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025281, A93; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166164, A3, A7. *See also* **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207410, A30-A31.

<sup>1615</sup> By late 1977: **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056846-01056847, A37-A39; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985159, A72-A73; **D118/280**, Written Record of Interview of Civil Party Applicant Sang Say, 27 July 2014, ERN 01044666, A4; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244, A17; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098484, A38; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193240, A45, ERN 01193241, A49, ERN 01193242, A54-A55. Early 1978: **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471, A49, ERN 01050478-01050479, A97-A100; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063712, A43; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149246-01149247, A3-A5, ERN 01149254, A44.

<sup>1616</sup> Late 1978: **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6, ERN 01033035, A26-A27; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987744, A25, ERN 00987752, A81. End of DK: **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166165, A8; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, A7, ERN 01025276, A64.





canal/dam construction sites.<sup>1617</sup> The boundaries of the cooperative also remained the same.<sup>1618</sup>

600. Tuol Mtes Worksite was operational from late 1975<sup>1619</sup> until at least late 1978.<sup>1620</sup> Reliable witness testimony places Tuol Mtes under Southwest Zone control only by mid-1978.<sup>1621</sup> While one witness alleges that Tuol Mtes was under Southwest Zone control by January 1977, he also states in the same interview that Ta Vanh, a Northwest Zone cadre and the Sector 1 Secretary, was arrested in late 1976.<sup>1622</sup> As Ta Vanh entered S-21 only in June 1977,<sup>1623</sup> this evidence is not reliable regarding the dates, because it is unlikely, given the general background evidence from all investigations on the process of arrest and subsequent detention at S-21 of high level cadres, that Ta Vanh as a sector level cadre would have been held in detention for about six months before being transferred to S-21.

601. There was a security centre in the vicinity of Wat Thipakdei, which was established prior to the arrival of Southwest Zone cadres<sup>1624</sup> and continued in operation until at least late 1978.<sup>1625</sup> Wat Thipakdei Security Centre consisted of two warehouses or halls that were close to the pagoda and served as detention rooms.<sup>1626</sup>

<sup>1617</sup> See para. 611.

<sup>1618</sup> **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A7.

<sup>1619</sup> **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063714, A57. See also **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986407, A6-A8; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A1, ERN 01092931, A7.

<sup>1620</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A10-A11, ERN 00986415-00986416, A65-A67, ERN 00986418, A85. See also **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216254-01216255, A92; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A11, ERN 01149253, A38-A39.

<sup>1621</sup> **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193242, A54-A55.

<sup>1622</sup> **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726-00950727, A6-A7, A11.

<sup>1623</sup> See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 361.

<sup>1624</sup> **D118/280**, Written Record of Interview of Civil Party Applicant Sang Say, 27 July 2014, ERN 01044666, A4-A6, ERN 01044669, A19; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986411, A31, ERN 00986413, A45, ERN 00986414, A51, A57, ERN 00986417, A77; **D118/7**, Written Record of Interview of Civil Party Applicant Chea Chanty, 15 January 2013, ERN 00889574, A9; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A25, ERN 01166171, A41, ERN 01166183, A94. See also **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985167, A124. *Contra* **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A47-A48; **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912317, A30-A31; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A8.

<sup>1625</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A47-A48; **D219/14**, Written Record of Interview of Witness Kim Khien,



*Structure and personnel*

602. Ta Vanh was Sector 1 Secretary until his arrest and transfer to S-21 in mid-1977, when he was replaced by his deputy, Northwest Zone cadre Ta Paet, who was then himself removed in mid-1978 and replaced by **Yim Tith**.<sup>1627</sup>
603. Lek Phiev, Thipakdei Cooperative Secretary from February 1977 until late 1977, was replaced by Son from the Southwest Zone.<sup>1628</sup> A Southwest Zone cadre, Yan, was Son's Deputy from at least July 1978.<sup>1629</sup> Lek Phiev reported to the Koas Krala District Secretary, Yeun, who in turn reported to the then Sector 1 Secretary, Ta Paet.<sup>1630</sup> While Ta Paet's messenger states that the cooperative was under the direct control of Sector 1, and names Yoeun as cooperative secretary,<sup>1631</sup> the balance of the evidence does not support this conclusion; and the evidence of Lek Phiev, given his position, is more reliable regarding the chain of command.

17 September 2014, ERN 01047704, A20, ERN 01047710, A69, ERN 01047715-01047716, A104; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986415, A60. *See also* **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092932, A13; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047107, A77-A80; **D219/11**, Written Record of Interview of Witness Penh Nhanh, 17 September 2014, ERN 01047036, A12; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A22, ERN 01166169-01166170, A35, ERN 01166184, A99.

<sup>1626</sup> **D219/271**, Site Identification Report, 24 April 2015, ERN 01088867-01088868; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167937, A8, A11. *See also* **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047708, A51, ERN 01047716, A105; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050482-01050483, A123-A127, ERN 01050485, A141; **D219/50**, Written Record of Interview of Witness Uy Chinda alias Krek, 21 October 2014, ERN 01056851-01056852, A71-A75; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A25; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066768-01066769, A9-A13, ERN 01066775-01066776, A65-A67.

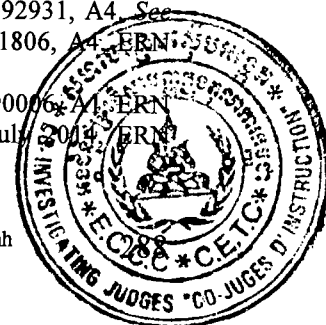
<sup>1627</sup> *See Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-362.

<sup>1628</sup> Alternative transliteration: Lek Phiv. **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A1, ERN 01092931, A9-A10; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A4, ERN 01111811, A35; **D219/210**, Written Record of Interview of Witness Lek Phiev, 4 March 2015, ERN 01088522, A2; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076960, A10, ERN 01076963, A21; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166183, A95. *See also* **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207409-01207410, A25-A29.

<sup>1629</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A22, ERN 01166177, A68.

<sup>1630</sup> **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A4. *See also* **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A4, ERN 01111808, A16, ERN 01111810, A32.

<sup>1631</sup> **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090006, A4, ERN 01090011, A40-A41; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2012, ERN 01029425, A50, A54.



604. Although for at least some time prior to his arrest, Ta Vanh was based at Wat Thipakdei,<sup>1632</sup> the evidence is inconclusive as to whether during this period the security centre was under sector or cooperative control: one witness names Ta Vanh and Thoeun as chairpersons,<sup>1633</sup> another names a cooperative level cadre, Chev, as chairman under the Northwest Zone cadres.<sup>1634</sup> Following Son's appointment as cooperative secretary, Phoeuk, under Son's instruction, was chairman.<sup>1635</sup>
605. Tuol Mtes Worksite reported directly to the Sector.<sup>1636</sup> Although two witnesses attest that it was a District site, the first account is hearsay evidence of unknown origin,<sup>1637</sup> while the second witness only passed through the site in 1979 when fleeing Phnom Penh, and thus the basis of his knowledge is also unclear.<sup>1638</sup> The evidence is too inconsistent for any conclusions to be drawn regarding the individuals in charge and the relevant time frames.<sup>1639</sup>

*Purge of Northwest Zone cadres*

606. The purge of Northwest Zone cadres in leadership positions in Phnom Thipakdei Cooperative was widespread, but not comprehensive. Arrests started two to three

<sup>1632</sup> **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178506, A197-A201. *See also* **D219/64**, Written Record of Interview of Witness Peou Koeun alias Peou Raem, 12 November 2014, ERN 01053948, A21.

<sup>1633</sup> **D219/64**, Written Record of Interview of Witness Peou Koeun alias Peou Raem, 12 November 2014, ERN 01053946, A14.

<sup>1634</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166171, A41, ERN 01166183, A94-A95.

<sup>1635</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A22, ERN 01166171, A41, ERN 01166177, A68, ERN 01166183, A94-A95. *See also* **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A50, ERN 01056849, A53-A54, ERN 01056855, A93-A94, ERN 01056858, A118; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207414-01207415, A62-A63.

<sup>1636</sup> **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111811, A38; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063715, A60-A61; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4, ERN 01216253, A85; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098484, A35; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149249, A14.

<sup>1637</sup> **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090010, A39.

<sup>1638</sup> **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034095, A79, A81.

<sup>1639</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986416, A72, ERN 00986418, A84; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216245, A21; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A18; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987743, A20-A21, ERN 00987744, A25, ERN 00987759, A131; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098484, A35; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063717, A78-A79; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10.



months after the arrival of the Southwest Zone cadres.<sup>1640</sup> Across the Northwest Zone, and more particularly Sector 1, arrests started at lower levels, progressing to the more senior ones during 1978, with Ta Paet's arrest, around August 1978, four to five months after the arrest of lower ranking cadres.<sup>1641</sup>

607. While many in leadership positions in the cooperative were removed,<sup>1642</sup> even by late 1978 some Northwest Zone cadres remained,<sup>1643</sup> although some under the direct control of Southwest Zone cadres, rendering them “*meaningless*”.<sup>1644</sup> Similarly, across the Northwest Zone, including Koas Krala District, leadership positions remained occupied by a mix of local and Southwest Zone cadres.<sup>1645</sup>

608. One witness observed that cooperative chiefs and above were “*sent to study*”, a common euphemism for being killed, while deputy chiefs and below were sent to Wat Thipakdei Security Centre; however, he also states that he was imprisoned at Wat Thipakdei Security Centre with a number of cooperative chiefs and their families.<sup>1646</sup>

<sup>1640</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471, A52, ERN 01050479, A101. *See also* **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111959-01111960, A20; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056861, A145-A146; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025276-01025277, A69; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098484, A38; **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337021, A34.

<sup>1641</sup> Northwest Zone: **D118/249**, Written Record of Interview of Civil Party Applicant Son Em, 2 June 2014, ERN 01034085, A17-A19; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950729, A26; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098484, A37-A38; **D118/245**, Written Record of Interview of Witness Chuon Than, 26 May 2014, ERN 01029380, A9. Sector 1: **D219/233**, Written Record of Interview of Witness Chhean Hea, 23 March 2015, ERN 01090008, A17. *See also* **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207520, A78.

<sup>1642</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6-A8, ERN 01033038, A47; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987744-00987745, A25, A28-A33; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985160, A75-A76, A80; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076959-01076960, A9-A10; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050471, A52; **D219/11**, Written Record of Interview of Witness Penh Nanh, 17 September 2014, ERN 01047035, A7-A8; **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047704, A23-A24; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A31; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207410-01207411, A32-A37. *See also* **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063708-01063709, A22-A24, ERN 01063712-01063713, A43-A46, ERN 01063717, A80, ERN 01063720-01063721, A93-A94; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13.

<sup>1643</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050478, A93-A94; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193242, A54-A58.

<sup>1644</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A75.

<sup>1645</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066775, A58; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067707, A63.

<sup>1646</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A21, ERN 01166171, A44.



Another witness, who lived in Koas Krala District, attests that the families of district and commune level cadres would be killed, whereas lower level cadres' families would be spared.<sup>1647</sup> The majority of the evidence does not allow drawing distinctions in this regard, yet it permits the inference that Northwest Zone cadres and their families were sent to work in the cooperative (including at Tuol Mtes), to Wat Thipakdei Security Centre, or were killed.<sup>1648</sup>

### *Workforce*

609. The workforce in Thipakdei Cooperative moved between the various worksites and villages, and also moved to and from nearby Kang Hort Dam. It consisted of former Northwest Zone soldiers and cadres and their families, including children, from Sector 1 and Sector 4.<sup>1649</sup>
610. The evidence on the numbers of the workforce under the Southwest Zone cadres varies. At the Cheung Tenh to Chhay Balangk dam project there were estimated to have been

<sup>1647</sup> **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063707, A12, ERN 01063720, A92.

<sup>1648</sup> See paras 609, 617, 625-648.

<sup>1649</sup> Movement between sites: **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A7; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067702, A31, ERN 01067721, A166, ERN 01067722, A179; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987742, A15, ERN 00987743, A18; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985152, A21; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050468, A24-A27, ERN 01050476, A78-A82; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076957-01076959, A1-A5; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066772, A36; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056843, A11-A13; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207407, A5, A8, ERN 01207408, A17-A19; **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912315, A4-A6, ERN 00912316, A10-A11. Sector 1: **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149246-01149247, A3, ERN 01149248, A10, ERN 01149249, A14; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216253, A86, ERN 01216255, A95; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13, A15. Sector 4: **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149246-01149247, A3, ERN 01149248, A10, ERN 01149249, A14; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111958, A3, A7. See also **D219/388**, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123457, A29, A31. Former Northwest Zone soldiers/cadres and spouses: **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149246-01149247, A3, ERN 01149248, A10, ERN 01149249, A14, ERN 01149252, A35-A36; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216254, A92; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13, A16; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A9, ERN 00912311, A13; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950729, A27. Children: **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207407, A5, A8, ERN 01207408, A19; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193240, A45, ERN 01193241, A49; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111811, A36.



thousands of people;<sup>1650</sup> at Tuol Mtes, numbers range from 100 to thousands;<sup>1651</sup> in the cooperative as a whole, estimates vary from hundreds, to several thousand, to more than 30,000 (an estimate of Lek Pheiv, the cooperative secretary until late 1977).<sup>1652</sup>

*Living and working conditions*

611. Throughout DK, work in Thipakdei Cooperative, including at Tuol Mtes, consisted primarily of manual labour to construct dams and canals and farming rice fields.<sup>1653</sup>

<sup>1650</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A7-A8, ERN 01033034, A23, ERN 01033035, A27.

<sup>1651</sup> **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A8, ERN 00912311, A13; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A9-A10, ERN 01216245, A21-A22, ERN 01216253, A84-A86, ERN 01216255-01216256, A100. *See also* **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066769, A13-A16, ERN 01066772, A38-A39, ERN 01066773, A43; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950729, A27; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10, A13; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111811, A36.

<sup>1652</sup> **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097413, A88-A89, *confirming* **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403, A21-A22, ERN 01029404, A23; **D118/286**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044696, A23-A25, ERN 01044703, A85, A87; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A2. *See also* **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149234, A2, ERN 01149235, A8. *See further* regarding estimates prior to Southwest Zone control: **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050466, A17-A20; **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066769, A13-A16; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056842, A5, A7-A8; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150-00985151, A9-A11; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050466, A17-A20, ERN 01050475, A74-A76; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130594, A5, A9, ERN 01130595, A14; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A14, ERN 00986413, A45.

<sup>1653</sup> **Canal/dam construction: Thipakdei Cooperative, including at Tuol Mtes: D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987743, A17-A18; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056843, A12-A14, ERN 01056845, A27; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076957-01076959, A1-A6; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A2-A3, A6-A8, ERN 01033037, A41-A42; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025269, A24; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050470, A42; **D118/231**, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033020, A29; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11-A13, ERN 00986413, A44-A45; **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063714, A56-A57, ERN 01063715, A66; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130594, A5, A9; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095828, A2, ERN 01095829, A6-A7, A11, ERN 01095830-01095831, A19, A26; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111957, A1-A2; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149252, A35-A36. **Farming: Thipakdei Cooperative: D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912315, A4-A6; **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987741, A7-A8, ERN 00987742, A11, A13; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4-A5; **D118/210**, Written



612. Toch Bunthy, who worked at several sites in the cooperative, including Chhay Balangk, and Tuol Mtes, both before and after the Southwest Zone cadres controlled the cooperative, states that there were no changes in working hours or scale of work, which were generally 6 or 7 a.m. until 11 a.m. and then after lunch until 5 p.m.<sup>1654</sup> Such, or very similar, working hours are confirmed by numerous witnesses and civil party applicants, spanning mid-1977 until late 1978, including under Southwest Zone control.<sup>1655</sup>
613. From mid-1977 until late 1978, and under the Southwest Zone cadres, workers received insufficient food (two meals of porridge and/or rice per day was the norm), with deaths from starvation and associated illness common.<sup>1656</sup> There is also evidence that those

Interview of Witness Hul Peou, 25 March 2014, ERN 00985142, A5-A6, ERN 00985143, A9, A12; **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A5, ERN 01111807, A13; **D118/231**, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033020, A29; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A7; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056846-01056847, A37-A40; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067721, A166-A167; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403, A21-A22. Tuol Mtes: **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987742, A14, ERN 00987759, A131; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A7; **D219/292**, Written Record of Interview of Witness Applicant Lek Phiv, 4 May 2015, ERN 01111811, A36; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11-A13, ERN 00986413, A44-A45; **D219/268**, Written Record of Interview of Civil Party Applicant Nom Phoun, 9 April 2015, ERN 01098481-01098482, A10, ERN 01098484, A31-A33; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700, A15, ERN 01067722, A179.

<sup>1654</sup> **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076957-01076959, A1-A5, ERN 01076960, A10, ERN 01076961, A16-A17.

<sup>1655</sup> **Mid-1977 to late 1978: Thipakdei Cooperative:** **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A2-A3, A6-A8, ERN 01033033, A13, ERN 01033035, A26-A27, ERN 01033043, A78; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150-00985151, A6-A11, ERN 00985152-00985153, A22-A25, ERN 00985159, A72-A73; **D118/231**, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033021-01033022, A44; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111957, A1, ERN 01111958, A8. *Contra* **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4-A7, ERN 01025273, A48-A49; **D118/286**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044696, A23-A25, ERN 01044697, A35-A36. Tuol Mtes: **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937, A4, ERN 01111938-01111939, A8; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986409, A19. **Under Southwest Zone cadres: Thipakdei Cooperative:** **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056846-01056847, A37-A40, ERN 01056848, A46, ERN 01056856, A100-A102; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403-01029404, A21-A23, A25; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166182, A89. Tuol Mtes: **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149249, A18; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A5-A7, ERN 00912311, A13; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193242, A54-A55, ERN 01193243, A61.

<sup>1656</sup> **Mid-1977 to late 1978: Thipakdei Cooperative:** **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150-00985151, A6-A11, ERN 00985153, A25, ERN 00985156, A43-A46, ERN 00985166, A117-A119; **D118/231**, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6



who could not work due to illness received even less food.<sup>1657</sup> While the evidence on food shortages is not uniform,<sup>1658</sup> the preponderance of evidence supports the conclusion that many workers suffered from malnutrition, with a number of related casualties: evidence for at least some degree of the impact on the health of workers is provided by Sok Cheat, who, responsible for preparing lists of sick workers from mobile units in Tuol Mtes and Thipakdei, estimates that 50-60 were sick each week, with 10-20 dying per month after **Yim Tith** became Sector 1 Secretary.<sup>1659</sup>

614. There was no freedom of movement, with guards (sometimes armed) often present.<sup>1660</sup> Workers mostly lived in makeshift shelters, or in even worse conditions,<sup>1661</sup> while

May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033020, A29, A37, ERN 01033021, A38-A39, ERN 01033023, A57-A58; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111957, A1, ERN 01111958, A8, ERN 01111959, A19; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A3; **D118/286**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044696, A23-A25, ERN 01044698-01044699, A43-A45, A51-A54. Tuol Mtes: **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111938-01111939, A8; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111811, A36; **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986409-00986410, A21-A25. Under Southwest Zone cadres: Thipakdei Cooperative: **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056844-01056845, A21-A25, ERN 01056846-01056847, A37-A40, ERN 01056848, A46; **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4-A7, ERN 01025274, A51-A56; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050484, A134-A137; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150, A9, ERN 00985161, A87; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403-01029404, A21-A23, A25; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166182, A89. Tuol Mtes: **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066772, A36-A37], ERN 01066773, A43, A45-A46; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4-A10, ERN 01216252, A76-A77, ERN 01216254, A89; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149254, A44; **D118/18**, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A5-A7, ERN 00912311, A13.

<sup>1657</sup> **Mid-1977 to late 1978**: Tuol Mtes: **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986409-00986410, A21-A23. Under Southwest Zone cadres: Thipakdei Cooperative: **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056845-01056846, A31, ERN 01056846-01056847, A37-A40, ERN 01056848, A46. Tuol Mtes: **D219/388**, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123462, A91-A92.

<sup>1658</sup> **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149249, A18, ERN 01149254, A44; **D219/388**, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123458, A44-A45, ERN 01123461, A76; **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985166, A117-A119; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050485, A143.

<sup>1659</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216253, A82-A83.

<sup>1660</sup> **Mid-1977 to late 1978**: Thipakdei Cooperative: **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025275, A61-A62, ERN 01025276, A64; **D118/231**, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033023, A56; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050486, A149-A150; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A6-A8, ERN 01033033, ERN 01033035, A26-A27; **D118/286**, Written Record of Interview of Civil Party Applicant Kheav





medical care was unavailable or inadequate, with sometimes lethal consequences.<sup>1662</sup> One witness who worked at Tuol Mtes from 1976 until the end of DK states that “we were there doing work like their slaves”.<sup>1663</sup>

615. Under Southwest Zone control food rations diminished for some in the cooperative, and for at least some former Northwest Zone cadres working at Tuol Mtes, hours were longer.<sup>1664</sup> When Lek Phiev states that conditions in the cooperative were generally worse after he was removed as Secretary in late 1977,<sup>1665</sup> this is not supported by the

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August 2014, ERN 01044696, A23-A25, ERN 01044698, A37-A40. Tuol Mtes: D118/196, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986409, A20. Under Southwest Zone cadres: Thipakdei Cooperative: D219/50, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056845, A30, ERN 01056845, A28-A29, ERN 01056846-01056847, A37-A40, ERN 01056848, A46; D118/243, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403-01029404, A21-A23, A25; D219/263, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097413, A88, ERN 01097414, A94-A95, A97; D118/212, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150, A9, ERN 00985154, A30-A31, ERN 00985161, A83-A85. Tuol Mtes: D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066772, A36-A37, ERN 01066773, A43, A42; D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4-A10, ERN 01216251, A74; D219/448, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149253, A39; D118/18, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A5, ERN 00912311, A13; D219/388, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123456, A24, ERN 01123459, A56-A58.

<sup>1661</sup> Mid-1977 to late 1978: Thipakdei Cooperative: D118/231, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15-A16, A20; D118/212, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150-00985151, A6-A12. Tuol Mtes: D118/221, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987742, A16, ERN 00987744, A25. Under Southwest Zone cadres: Tuol Mtes: D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4-A10, ERN 01216255, A99-A100, ERN 01216256, A102; D219/548, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193242, A54-A55, ERN 01193243, A60.

<sup>1662</sup> Mid-1977 to late 1978: Thipakdei Cooperative: D118/231, Written Record of Interview of Civil Party Applicant Buoy Hauy, 6 May 2014, ERN 01033017, A6-A9, ERN 01033018, A15, A20, ERN 01033021, A42, ERN 01033026, A75; D118/240, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033032, A2-A3, A6-A8, ERN 01033034, A20-A21, ERN 01033035, A26-A27; D118/286, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044696, A23-A25, ERN 01044700, A55; D118/212, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150, A8-A9, ERN 00985157, A52-A57. Tuol Mtes: D118/196, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986413, A44-A45, ERN 00986417, A80. Under Southwest Zone cadres: Thipakdei Cooperative: D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4-A7, ERN 01025277, A73, ERN 01025278, A74-A75. Tuol Mtes: D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4-A10, ERN 01216253, A82; D219/388, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123462, A90-A92.

<sup>1663</sup> D118/196, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986408, A11, ERN 00986409, A16, ERN 00986413, A44-A46.

<sup>1664</sup> Food rations less: D219/50, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056856, A103-A105; D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A29, ERN 01066782, A112. Longer hours at Tuol Mtes: D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A4-A10, ERN 01216251, A74, ERN 01216252, A77; D118/18, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A6-A7, ERN 00912311, A13.

<sup>1665</sup> D219/292, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111810-01111814, A34; D219/210, Written Record of Interview of Witness Lek Phiev, 4 March 2015, ERN 01088522, A2.



majority of the evidence and likely an attempt to downplay his own responsibility. Work targets were difficult to meet, with extra work as a punishment if they were missed;<sup>1666</sup> workers had no time off, except to attend self-criticism meetings.<sup>1667</sup> Based on the majority of the evidence, killings and arrests increased, and, with stricter conditions imposed, the atmosphere of fear among the workers intensified.<sup>1668</sup>

616. The situation became increasingly dire for former Northwest Zone cadres and their families, who were sent to work, to Wat Thipakdei Security Centre, or who were otherwise arrested, or killed.<sup>1669</sup> One civil party applicant states that, because of the focus on the Northwest Zone cadres, “*the situation was better for ordinary citizens*”.<sup>1670</sup> However, on the balance of the evidence, and aside perhaps from the cadres in control,<sup>1671</sup> the situation under the Southwest Zone cadres was certainly no better than the dreadful conditions under their predecessors.

<sup>1666</sup> Thipakdei Cooperative: D219/20, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050487, A151. Tuol Mtes: D219/448, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149252, A35; D118/18, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912310, A5, ERN 00912311, A13.

<sup>1667</sup> Thipakdei Cooperative: D219/20, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050487, A154. Tuol Mtes: D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066772, A36-A37, ERN 01066773, A43, ERN 01066774, A53-A56.

<sup>1668</sup> **Killings and arrests increased:** *see* para. 625. **Increasing fear:** Thipakdei Cooperative: D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025280, A90; D118/212, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985168, A130. Tuol Mtes: D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216248, A49. *Contra* D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025277, A70.

<sup>1669</sup> Sent to work: D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025276-01025277, A67-A69; D219/448, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149248, A10-A13, ERN 01149251, A35-A36. Sent to the Security Centre: *see* para. 617. Arrested, killed or disappeared: *see* paras 624-648. D118/277, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025276, A67-A68; D219/20, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050471-01050472, A50-A53, ERN 01050479-01050480, A104-A108.

<sup>1670</sup> D219/20, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050491, A176.

<sup>1671</sup> D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, ERN 01216254, A88.



*Detention*Wat Thipakdei Security Centre

617. Under the Southwest Zone cadres, detainees at Wat Thipakdei were held in two locked warehouses or halls, without individual cells.<sup>1672</sup> Detainees included Northwest Zone cadres and their families, and those who had made ‘mistakes’, such as allowing buffaloes to eat rice, not eating communally, or travelling without permission, or those who were simply considered ‘enemies’.<sup>1673</sup> There were also children among the detainees.<sup>1674</sup>
618. Detainees were under armed guard and at night most male detainees wore leg shackles they had been forced to make, or were handcuffed.<sup>1675</sup> Forced to work, sewing inside or moving rocks outside, they could only go outside to relieve themselves with permission, with some prisoners having to defecate in the detention halls.<sup>1676</sup> Detainees were fed less than when they worked in cooperatives and were “*just skin and bone*”.<sup>1677</sup> Water was only readily available when detainees were working, and even then only if they had a container to collect water.<sup>1678</sup> Sick detainees were at best given ineffective “*round black tablets*” (i.e. what other witnesses refer to as “*rabbit dropping*”

<sup>1672</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047707, A43, ERN 01047708-01047709, A51-A54, ERN 01047711, A72; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A21-A22, A26, ERN 01166170, A39; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A50, ERN 01056849, A53-A54, ERN 01056851, A71, ERN 01056853, A77-A78, ERN 01056854, A84.

<sup>1673</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A49, ERN 01056849, A55, ERN 01056853, A80; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166166, A21, ERN 01166167, A24, ERN 01166171, A44; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167936-01167937, A6-A8; **D219/313**, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111959, A12-13.

<sup>1674</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A27.

<sup>1675</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047709-01047710, A55, A58, A61-A62; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167938, A13-A16, ERN 01167939, A21; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A21, ERN 01166169, A35; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056849, A56, ERN 01056854, A86, ERN 01056858, A117; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149234, A3.

<sup>1676</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047709, A58, A61, ERN 01047712, A79, ERN 01047714, A90-A91; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207414, A56-A57, ERN 01207415, A66; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A26; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056849, A56, ERN 01056854, A87-A89; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149234-01149235, A6-A12.

<sup>1677</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047709, A59-A60; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167940, A26; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166170; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056854, A90-A91.

<sup>1678</sup> **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167939.



medicine);<sup>1679</sup> while one witness claims that those with a good chance of recovery were taken to hospital, she does not explain how she knows this, while the other detainees assert that no such treatment was available.<sup>1680</sup>

619. Generally, conditions were the same for all detainees, however, one witness, Khin Khien, was allowed to visit her children under guard, and to have her infant son brought to her for breastfeeding; while she states that Northwest Zone cadres enjoyed no such privileges, it is not clear whether this was a general distinction between Northwest Zone and non-Northwest Zone cadres, or that she enjoyed more lenient treatment due to her usefulness as a member of a sewing unit.<sup>1681</sup> Similarly, the permission to go home to deliver her baby, and her two meals per day appear to have been granted on the basis of her usefulness to the security centre cadres, and are not indicative of the general conditions of detention.<sup>1682</sup>

620. Evidence on the numbers of detainees is not uniform: Soy Chhoeun was detained for three days in July 1978, along with 60-70 others.<sup>1683</sup> Uy Chinda was also arrested and detained for 15-20 days before escaping, and was held with about 100 others, with detainees taken away and “*continuously*” brought in.<sup>1684</sup> While he recalls that this happened around October or November 1978, Soy Chhoeun states that Uy Chinda escaped one day before he himself was released.<sup>1685</sup> While neither’s recollection of the dates of detention is more reliable than the other, their evidence establishes that they were both detained after the security centre was under Southwest Zone control.<sup>1686</sup> Khin Khien was held for four months until late December 1978; in one warehouse there were

<sup>1679</sup> See para. 614.

<sup>1680</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047714, A93; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167939-01167940, A23-A24; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056860, A134-A135.

<sup>1681</sup> **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167937, A9-A10, ERN 01167943, A46, ERN 01167944, A51.

<sup>1682</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047712, A79-A80; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167944, A51.

<sup>1683</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A21-A22, A26.

<sup>1684</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056849, A53, A56, A57, ERN 01056851, A67, ERN 01056853, A77, ERN 01056854, A92.

<sup>1685</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166184, A100.

<sup>1686</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166167, A21-A22, A26, ERN 01166171, A41; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A50, ERN 01056849, A53-A54.



100 detainees, and in the second, there were 80.<sup>1687</sup> Given that Soy Chhouen and Uy Chinda's periods of detention overlapped, and that, on the basis of Uy Chinda's evidence it is possible that they also overlapped with Khin Khien, the risk of double-counting is clear, however, it is established that a minimum of 180 people were detained.

621. Many detainees were regularly beaten with wooden clubs, some to the level of unconsciousness; Khin Khien, pregnant at the time, was left with lifelong scars.<sup>1688</sup> Some were interrogated while being beaten.<sup>1689</sup> The testimony of one witness, who was held only for a three-day period, that detainees were not mistreated, is not incompatible with mistreatment that may have occurred outside of his period in detention.<sup>1690</sup>
622. Khin Khien states that people died from the poor conditions "*almost every single day*", and "*sometimes*" one or two people died a day.<sup>1691</sup> There is no non-arbitrary way to determine the regularity of "*sometimes*", and accordingly a very conservative minimum number of deaths arising from the harsh conditions over Khin Khien's four-month detention ending in late December is 60 (4 months at 30 days = 120 days, with one death every two days).

### Tuol Mtes

623. At Tuol Mtes, one witness recalls that there was a guarded building in which detainees were locked unshackled.<sup>1692</sup> On the basis, however, that only he gives evidence of a detention building, and that other witnesses deny the existence of a security centre at Tuol Mtes,<sup>1693</sup> or, when asked if there was one, name Wat Thipakdei Security

<sup>1687</sup> D219/14, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047707, A43, ERN 01047708, A51-A53, ERN 01047710, A69, ERN 01047711, A72.

<sup>1688</sup> D219/14, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047710, A63-A64, ERN 01047711, A74-A76, ERN 01047714, A95, ERN 01047721, A134; D219/50, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056858-01056859, A121-A129; D219/447, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149239, A27-A29.

<sup>1689</sup> D219/14, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047715, A100-A102.

<sup>1690</sup> D219/517, Written Record of Interview of Witness Soy Chhouen, 21 September 2015, ERN 01166167, A21-A22, ERN 01166170, A37.

<sup>1691</sup> D219/14, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047714, A92; D219/512, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167939, A22, ERN 01167940, A25.

<sup>1692</sup> D118/18, Written Record of Interview of Witness Nuon Muon, 13 February 2013, ERN 00912311, A13-A14, A19-A21.

<sup>1693</sup> D219/689, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216255, A97.



Centre,<sup>1694</sup> there is insufficient evidence regarding a separate detention facility at Tuol Mtes as opposed to a *worksite* where people, including Northwest Zone cadres and their families, were transferred to under arrest and held, and were required to work, with the former Northwest Zone cadres subjected to especially hard labour.<sup>1695</sup>

#### Other detention sites

624. Security or detention centres were also operated, following the arrival of the Southwest Zone cadres in the area, at:

- i. a workplace about two kilometres southwest of Phnom Thipakdei, in which a number of people were detained; however, as the timeframe is at some point between November 1978 and the arrival of the Vietnamese in the area, it cannot be excluded that this occurred after 6 January 1979;<sup>1696</sup>
- ii. Thmei Village, in which an unknown number of former Northwest Zone cadres were detained and where also those who made “*mistakes*” would be taken;<sup>1697</sup> and
- iii. a railway station located near Thmei Village where about 50-60 people were detained, with legs shackled, including one witness’ husband who was detained for three months before being killed although the witness does not state where.<sup>1698</sup> It cannot be excluded that he was killed in the Anduong Thae Luy area, or the vicinity of the security centre, and therefore for the purposes of calculating victim numbers, his death is subsumed within the total victim numbers for the cooperative (see below).

<sup>1694</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986411, A31, A33.

<sup>1695</sup> **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787175, A16-A20, A22; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A7-A8, ERN 00950729, A27. *See* paras 611-616.

<sup>1696</sup> **D219/432**, Written Record of Interview of Witness Tha Nam, 29 July 2015, ERN 01142944, A18-A19, ERN 01142945, A20, ERN 01142947, A33-A36, ERN 01142948, A38-A39.

<sup>1697</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066771, A33-A34, ERN 01066776, A68-A72. *Contra* **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166174, A57.

<sup>1698</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047700, ERN 01047707-01047708, A43-A48; **D219/644**, Written Record of Interview of Witness Yom Yeang, January 2016, ERN 01207411-01207412, A38-A47. *See also* **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166165, A9-A10.



*Killings and disappearances*

625. Following the arrival of the Southwest Zone cadres in Koas Krala District, “*the number of killings increased greatly*”.<sup>1699</sup> When persons were removed and did not return, the only reasonable conclusion is that they were killed.<sup>1700</sup>

Wat Thipakdei Security Centre

626. At Wat Thipakdei Security Centre, some detainees were required to dig their own graves, in the form of a trench, about 500 metres from the “*lower warehouse*”, before being beaten with clubs and buried, some possibly still alive.<sup>1701</sup> Khin Khien was an eye-witness to one such killing of at least 37 detainees, at which point she stopped watching.<sup>1702</sup> She estimates that in total about 100 prisoners were killed<sup>1703</sup> but it is unclear whether the 37 were in addition to the 100 and they have been subsumed in the latter figure. Uy Chinda recalls that during his 15-20 day detention, four to 10 people were taken away, and, as he later learned, killed.<sup>1704</sup> Given the risk of overlap in their periods of detention, it cannot be excluded that these were also among the 100 estimated by Khin Khien.

627. The occurrence of mass killings close to the site is supported by Toch Bunthy who was, in September or October 1978, assigned to bury bodies at a trench about 500 metres from the foot of Phnom Thipakdei; given that it was about 400 metres long, and had been used to bury bodies “*for a while*” he estimates that the number of dead “*could have been in the hundreds*”.<sup>1705</sup> There is no indication, beyond “*a while*”, how long the

<sup>1699</sup> **D219/142**, Written Record of Interview of Witness Tep Sarun, 13 January 2015, ERN 01063708-01073709, A19-A24, ERN 01063712, A43. *See also* **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056848, A47; **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166168, A32, ERN 01166182, A89; **D219/388**, Written Record of Interview of Witness Roeung Sopheap, 29 June 2015, ERN 01123458, A44-A45, ERN 01123461, A76. *Contra* **D118/277**, Written Record of Interview of Witness Sem Veung, 17 July 2014, ERN 01025267, A4, ERN 01025283, A108; **D219/448**, Written Record of Interview of Witness Yat Yoeun, 5 August 2014, ERN 01149253, A41.

<sup>1700</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056857, A109.

<sup>1701</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047714, A94, ERN 01047715, A99; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167942, A38-A39.

<sup>1702</sup> **D219/33**, Written Record of Interview of Witness Khin Khien, 15 October 2014, ERN 01040541-01040543, Q/A1-A7; **D219/512**, Written Record of Interview of Witness Khin Khien, 13 September 2015, ERN 01167942, A34-A38.

<sup>1703</sup> **D219/14**, Written Record of Interview of Witness Khin Khien, 17 September 2014, ERN 01047715, A97-A98.

<sup>1704</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056849, A53, A56, ERN 01056857, A110, ERN 01056860, A132.

<sup>1705</sup> **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076962-01076963, A20.



site had been used to bury bodies, however as Toch Bunthy buried bodies there “*about ten times a month*”, it is reasonable to infer that killings took place on a similarly regular basis. While the witness does not state for how many months he buried bodies here, his reference to 10 times *a month* implies that it was more than one, giving a conservative estimate of **40** bodies (10 times per month, multiplied by two (“*bodies*”), multiplied by two months).

628. A further witness saw a mass grave below a pagoda between Phnom Thipakdei and Boeng Pech Changvar Lake; the victims had their hands tied behind their backs, and some were tied together, with a villager recognising the clothes of one former security centre detainee. It is, however, not clear if this incident happened before or after the Southwest Zone cadres took control and, while the witness confirms, in general terms, that killings took place there after their arrival, no victim number is given.<sup>1706</sup>
629. It is unclear whether the site at which Toch Bunthy buried bodies is the same at which Khin Khien saw killings, and therefore, given the risk of overlap, the bodies buried by Toch Bunthy are subsumed within Khin Khien’s estimate, giving a minimum number of **100** people killed in the vicinity of the security centre in the second half of 1978. Subsuming the number arising from Toch Bunthy’s evidence within Khin Khien’s also obviates the risk of double counting that arises in relation to the 60 who died during detention and may have been among those buried by Toch Bunthy’s group.

### Andoung Thae Luy

630. The main killing and burial sites for the cooperative in general were located near Andoung Thae Luy canal, which also served the security centre. There are a number of witness accounts of killing sites in the Andoung Thae Luy area; it cannot be established or excluded that the accounts relate to several sites or only one site.
631. Yom Yeang gives an eye-witness account of the killing of an unknown number of people near Andoung Thae Luy, under Southwest Zone control, with the bodies then dumped in a nearby canal.<sup>1707</sup>

<sup>1706</sup> **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207418, A90, ERN 01207423, A121-A124.

<sup>1707</sup> **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207413, A49, A52, ERN 01207418, A86, A90.





632. Toch Bunthy, in September or October 1978 helped bury at least **200** bodies at “*Boeng Kantuot children’s center*”, 50 to 100 metres east of a railway station near Phnom Thipakdei. He did not see the killings, but heard that the victims were brought in by truck, saw prisoners arriving by train, heard the sound of gunfire, and saw bodies with gunshot wounds.<sup>1708</sup> As (i) Toch Bunthy’s description places the site near Thmei Village (itself near a railway station, east of Phnom Thipakdei), which was itself close to Kantuot Village;<sup>1709</sup> and (ii) Kantuot Village is approximately 50-60 metres from the Andoung Thae Luy area,<sup>1710</sup> it is reasonable to conclude that the site at which Toch Bunthy buried bodies is in the Andoung Thae Luy/Kantuot Village area.
633. Soy Chhoeun’s cousin saw the shooting of “*about two truck-loads*” of people in the early evening at Kantuot Village and told him that Son, the cooperative secretary, was present and gave the orders to kill. Soy Chhoeun, recently released from the security centre when it was under Southwest Zone control,<sup>1711</sup> himself heard gunfire, while his father and two of his siblings, who lived about 300 metres from the site, heard the “*sounds of killings*” at night. He also saw, in a separate incident, five or six people, who were tied up, being walked under armed guard to that location; he assumed, based on the direction from which they came that they were not from the security centre, but does not say from where they had come.<sup>1712</sup> Soy Chhoeun also learned from his unit chief and a survivor of the incident about “*one wave*” in which all prisoners at the security centre were killed at Andoung Thae Luy, and himself saw hundreds of bodies in the canal, although he states, without explicit basis, that people from different places were killed there.<sup>1713</sup>
634. Uy Chinda also identifies Andoung Thae Luy canal as a location where former Northwest Zone detainees were killed, and saw, towards the end of DK, the canal filled

<sup>1708</sup> **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A3, ERN 01076964, A25, ERN 01076965, A26, A28. *See also* **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050481-01050482, A115-A122; **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207409, A23 (confirming that Boeng Kantuot was the location of a “*children’s camp*”).

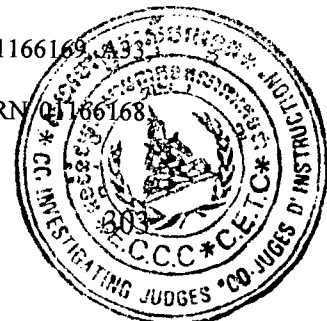
<sup>1709</sup> *See paras* 596-597, 624.

<sup>1710</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166174, A58-A59.

<sup>1711</sup> *See para.* 620.

<sup>1712</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166169, A33, ERN 01166173, A52-A54, ERN 01166174, A59, ERN 01166178, A75.

<sup>1713</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166168, A29-A30, ERN 01166172, A45-A50, ERN 01166174, A58-A59.



with newly turned earth, which gave off a smell of decaying bodies.<sup>1714</sup> While his own testimony regarding Northwest Zone cadres is hearsay, there is corroborating hearsay by another witness who also heard that detainees, including former Northwest Zone cadres, were killed near a ditch at Kantuot, and who actually saw an unspecified number of bodies there.<sup>1715</sup> The wife of Chev, the former security centre secretary, was among the victims at Andoung Thae Luy.<sup>1716</sup> Considering this evidence and the evidence establishing that former Northwest Zone cadres were among the security centre detainees and that security centre detainees were killed in the Andoung Thae Luy area, it is probable that former Northwest Zone cadres were among the dead.

635. Uy Chinda also states that shortly before the Vietnamese arrived all security centre detainees were killed and “*all the villagers around that area knew about this.*”<sup>1717</sup> Without further detail on the timing of this event, it cannot be excluded that it occurred after 6 January 1979.

636. While the evidence is not sufficient to determine the exact location, or indeed number of, killing sites in the Andoung Thae Luy area, it is nevertheless sufficient to conclude that mass killings occurred in the area, both of Wat Thipakdei Security Centre detainees (including Northwest Zone personnel), and other individuals. The risk of overlap in the evidence set out above allows for the conclusion that a minimum of **200** people (based on Toch Bunthy’s evidence of bodies buried in September or October 1978) were killed in the Andoung Thae Luy area.

#### Other killings and disappearances

637. Lek Phiev recalls that while he was cooperative secretary until late 1977, he received the names of people “*to be educated*” from two Southwest Zone cadres and Ta Paet, and after he told those people they were being sent for education, they disappeared forever. It cannot be excluded that these people were sent to the security centre or otherwise killed at the sites detailed above. While he states that “*many*” people were

<sup>1714</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056857-01056858, A111-A115, ERN 01056862, A152; **D219/447**, Written Record of Interview of Witness Uy Chinda, 4 August 2015, ERN 01149237, A18, ERN 01149238, A23-A24, ERN 01149240, A31-A32.

<sup>1715</sup> **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912318, A38-A43.

<sup>1716</sup> **D219/517**, Written Record of Interview of Witness Soy Chhoeun, 21 September 2015, ERN 01166171, A42, ERN 01166183, A94.

<sup>1717</sup> **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056862, A152. See also **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207415-01207416, A67-A69.



arrested and sent to Kakoh Security Office, in neighbouring Chak Kakoh Cooperative (Sector 4), he does not provide a number.<sup>1718</sup>

638. A second witness states that killings took place to the east and south of the railway, at Boeng Chen Lake,<sup>1719</sup> and that she saw the corpses of an **unspecified number** of Northwest Zone cadres, after witnessing their arrests, to the west of Boeng Dangkao Kamnob Lake, in Thipakdei Cooperative.<sup>1720</sup>
639. Two to three months after the Southwest Zone cadres arrived (which he places less than a year before Phnom Penh was captured by the Vietnamese), a civil party applicant saw the killing of **seven** former Northwest Zone cadres and family members near Phnom Ta Thok.<sup>1721</sup>
640. He also saw the arrest, on the order of Southwest Zone cadre Meng, of two Northwest Zone cadres, including Chev, and their families in late 1978, and heard from soldiers, and Meng's messenger, that they were killed, and that at least Chev had been "*tortured*".<sup>1722</sup>
641. People were also arrested from the Cheung Tenh to Chhay Balangk canal/dam worksite and never seen again, including one man who disappeared in mid-1978.<sup>1723</sup> A witness also learned from other villagers that two Northwest Zone village chiefs and their families had been transferred away from Cheung Tenh Village and disappeared.<sup>1724</sup>
642. A former Southwest Zone cadre, who was moved to Thipakdei Mountain in 1978 and lived at Wat Thipakdei Pagoda, saw three young men beaten by their unit chief after they strayed beyond permitted boundaries, and learned the next day that they had been

<sup>1718</sup> **D219/292**, Written Record of Interview of Witness Lek Phiev, 4 May 2015, ERN 01111806, A8, ERN 01111808, A16-A18; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092931, A8; **D219/982**, Written Record of Interview of Witness Sao Chabb, 28 April 2017, ERN 01517551, A19.

<sup>1719</sup> **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207412, A47-A48.

<sup>1720</sup> **D219/644**, Written Record of Interview of Witness Yom Yeang, 11 January 2016, ERN 01207413-01207414, A53-A55.

<sup>1721</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050469, A24-A37, ERN 01050471-01050472, A49, A52-A53, ERN 01050480, A107.

<sup>1722</sup> **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050467-01050468, A26-A27, ERN 01050479-01050480, A103-A112.

<sup>1723</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01023035-01023036, A24-A29.

<sup>1724</sup> **D118/212**, Written Record of Interview of Witness Meas Nakry, 1 April 2014, ERN 00985150-00985160, A75, A80, ERN 00985163, A99-A100.



killed.<sup>1725</sup> Another witness recounts the disappearance of three women from her unit and one man from the Thipakdei Mountain vicinity after the arrival of Southwest Zone cadres; she heard that the three women taken away were killed; she did not see them return. She was told that the man had been taken away by militiamen at night; he never returned, either.<sup>1726</sup>

643. There is also an eye-witness account of a group of 40 people who were taken away and disappeared after the arrival of the Southwest Zone cadres in the area, during the dry season of 1977. While the witness, who was transferred to Thmei Village in 1976, does not explicitly say that it occurred in Thmei Village (and states that she worked near Phnom Thipakdei, in Tuol Mtes and at Kang Hort Dam from 1976 to 1978), it is probable that it did. Firstly, she saw the event from her house, while in Tuol Mtes she lived in a makeshift shelter, and only worked there for 10-15 days, and in contrast to being “sent” to Tuol Mtes, she was “mobilised” to work elsewhere, indicating that she was not relocated to live at those worksites. Secondly, she was a rice cook at the time, while at Kang Hort Dam she helped build the dam.<sup>1727</sup> Similarly, the disappearances of six more people after the arrival of new cadres probably took place in Thmei Village, given that those who disappeared lived near the witness’ house.<sup>1728</sup>

644. However, given the lack of evidence regarding where the victims mentioned in the last four paragraphs were killed, and the evidence that people were transported to Andoung Thae Luy to be killed, it cannot be excluded that they are among the number killed there.

### Tuol Mtes

645. A steady stream of people also disappeared from Tuol Mtes following the arrival of the Southwest Zone cadres.<sup>1729</sup> There is witness evidence of the killing of 49 people in early 1979, but this was after Phnom Penh had fallen and may thus have occurred

<sup>1725</sup> **D118/286**, Written Record of Interview of Civil Party Applicant Kheav Neap, 14 August 2014, ERN 01044696, A23-A25, ERN 01044697, A28-A30, ERN 01044698, A39-A41.

<sup>1726</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066776-01066777, A73-A79.

<sup>1727</sup> **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987741, A7-A9, ERN 00987742, A11, A15-A16, A18, ERN 00987744, A24-A25, ERN 00987745-00987746, A32-A43.

<sup>1728</sup> **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987748-00987749, A57-A60.

<sup>1729</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778-01066779, A47-A49, ERN 01066774, A51. *See also* **D118/196**, Written Record of Interview of Witness Roeng Sopha, 13 March 2014, ERN 00986413, A49, ERN 00986419, A89-A90.



outside the Court's temporal jurisdiction.<sup>1730</sup> Finally, the arrest and disappearance of that witness' husband happened at some point in 1977; it cannot be excluded that this occurred prior to Southwest Zone control of the area.<sup>1731</sup>

646. Sok Cheat, recalls that after a meeting in Banan in late 1977, in which **Yim Tith** instructed attendees to "*follow Angkar's orders*", and after the Southwest Zone had assumed control of the area, once every two or three days about 10 people, including former Northwest Zone cadres, were taken for "*re-education*" by militiamen and thereafter went missing from Tuol Mtes. The witness was responsible for preparing the lists of people to be removed and explains that they had accidentally broken equipment or made small complaints.<sup>1732</sup> Being designated an 'enemy' for such trivial matters is confirmed by a detainee at Tuol Mtes, who also states that 20 of the 30 Northwest Zone cadres transferred to Tuol Mtes with him disappeared, and that out of a total of 100 whom he worked with, only 30 remained.<sup>1733</sup> While the witness places the date of his arrest in early 1977, he is very likely mistaken about the date as he himself admits, because the preponderance of the related evidence supports an arrival date of Southwest Zone cadres in the Thipakdei Cooperative area in late 1977 or early 1978.<sup>1734</sup>

647. Again, given the lack of evidence regarding the final whereabouts of these people, coupled with that relating to Andoung Thae Luy, it cannot be excluded that those who went missing from Tuol Mtes were killed in that area, and accordingly they must be subsumed within the number of people killed in that area.

648. In another incident targeting former Northwest Zone people at Tuol Mtes, six persons, including the witness, were asked to attend a meeting at some point in 1978, after the arrival of the Southwest Zone cadres, at which they suspected they would be killed. When they attempted to escape **four** of them were shot dead.<sup>1735</sup> Another witness heard

<sup>1730</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986415-00986416, A65-A67, ERN 00986418, A85.

<sup>1731</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986413-00986414, A48-A51, A55-A56.

<sup>1732</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216247, A35, A37,, A40-A44, ERN 01216248-01216249, A50-A57, ERN 01216254-01216255, A90, A92.

<sup>1733</sup> **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787175, A16, A22, ERN 00787176, A25; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950729, A27.

<sup>1734</sup> **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174, A10, ERN 00787175, A20, ERN 00787176, A28. See para. 599.

<sup>1735</sup> **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193240-01193241, A46-A49, ERN 01193242, A54.



that people disappeared from Tuol Mtes. The dates of these disappearances are not specified; since she was at Tuol Mtes from 1976 until the end of DK it cannot be excluded that this happened prior to the Southwest Zone cadres' arrival.<sup>1736</sup>

#### *Total victim numbers*

649. The minimum number of deaths that can be established is **375** (60 deaths in detention, 100 at Wat Thipakdei Security Centre, 200 in the Anduong Thae Luy area, two (“*many*”) sent to Kakoh Security Office, two (unspecified number) near Boeng Dankao Kamnob Lake, seven near Phnom Ta Thok, and four at Tuol Mtes).

#### *Visits by Yim Tith*

650. One witness attended site inspections with **Yim Tith** in Phnom Thipakdei Cooperative, including Tuol Mtes, in 1976-1977.<sup>1737</sup>

651. Another witness places **Yim Tith** at a meeting at Tuol Mtes. While the witness estimates that it was in April or May 1979, shortly before Khmer New Year, by this stage the Vietnamese had assumed control of the region<sup>1738</sup> and the witness' recollection of the year cannot be correct and instead must place **Yim Tith** at Tuol Mtes before the arrival of the Vietnamese, very likely at the same period in 1978 based on a simple error of the year.

#### *5.5.2.3 Kang Hort Dam Worksite*

##### *Location and establishment*

652. Kang Hort Dam<sup>1739</sup> worksite was located in Kantueu Commune, Sangkae District, Sector 1 of the Northwest Zone.<sup>1740</sup> As marked on an OCIJ Site Identification Report,

<sup>1736</sup> **D118/196**, Written Record of Interview of Witness Roeung Sopheap, 13 March 2014, ERN 00986407-00986408, A8-A9, A11, ERN 00986411, A33-A34.

<sup>1737</sup> **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337035, A139, A141, ERN 01337036, A145-A147.

<sup>1738</sup> **D219/943**, Written Record of Interview of Witness Lorm Len, 14 March 2017, ERN 01523946, A29-A37.

<sup>1739</sup> Alternative transliterations and names: Kanghat/Kanghort/Kang Hat/Kahat/Krahat: see e.g. D219/368, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117715, A5; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A14-A15; **D219/313**, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111957-01111958, A2; **D118/281**, Written Record of Interview of Witness Keo Sokha, 29 July 2014, ERN 01040511-01040512, A2; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A5-A6.

<sup>1740</sup> **D219/993**, Site Identification Report, 12 June 2017, ERN 01494943-01494953; **D219/993**, Site Identification Report, 24 April 2015, ERN 01088875-01088890; **D219/464**, Written Record of Interview of Witness...



the dam project stretched from the main concrete sluice gate at the most westerly point, rising to the east for about one kilometre, straddling the old bed of the Sangkae River, before meeting a canal continuing to Tuol Mtes and beyond.<sup>1741</sup>

653. Construction of the dam had commenced no later than mid-1976, and while some witnesses mention the dam's 'completion', the occurrence of major dam-breaks and ongoing maintenance meant that construction continued until at least late 1978.<sup>1742</sup>

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Witness Tiep Tith, 19 August 2015, ERN 01151248, A24; **D219/451**, Written Record of Interview of Witness Yon Han, 9 August 2015, ERN 01149263, A13; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974993-00974994, A3-A5; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111936, A2; **D219/451**, Written Record of Interview of Witness Yon Han, 9 August 2015, ERN 01149263, A13.

<sup>1741</sup> **D219/272**, Site Identification Report, 24 April 2015, ERN 01088878-01088881, 01088884-01088887; **D118/281**, Written Record of Interview of Witness Keo Sokha, 29 July 2014, ERN 01040511-01040512, A2; **D219/313**, Written Record of Interview of Witness Sek Chaot, 14 May 2015, ERN 01111957-01111958, A2; **D219/292**, Written Record of Interview of Witness Lek Phiv, 4 May 2015, ERN 01111806, A4. *See also* **D219/993**, Site Identification Report, 12 June 2017, ERN 01494949-01494951; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117724, A100.

<sup>1742</sup> Commencement: **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142889, A3-A4; **D219/208**, Written Record of Interview of Witness Horng Thai, 26 February 2015, ERN 01088508-01088509, A2, ERN 01088510, A16; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117715, A5-A6; **D219/409**, Written Record of Interview of Civil Party Applicant Ang Sar, 5 July 2015, ERN 01142875, A8-A9; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120041, A14-A16; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502685-01502686, A11; **D219/638**, Written Record of Interview of Witness Khmet Mao, 5 January 2016, ERN 01198168, A2; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A5-A6; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056846, A33-A35. *Contra* **D219/237**, Written Record of Interview of Witness Chhorn Vorn, 24 March 2015, ERN 01092935, A1; **D219/945**, Written Record of Interview of Witness Sok Chhoeut, 10 March 2017, ERN 01523954-01523955, A49-A51; **D219/411**, Written Record of Interview of Witness Chhorn Chhoeun, 7 July 2015, ERN 01142909-01142910, A1. Completion: **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042-01120043, A21, A25, A29-A30; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128717, A69; **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945850, A11; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A3. Work continued until late 1978: **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135151-01135152, A8-A10; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151264, A142-A143; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128717, A70-A71; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574, A11, ERN 01173575, A16, ERN 01173576, A25; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A3, ERN 01076959, A6-A7, ERN 01076960, A12, ERN 01076961, A16; **D219/373**, Written Record of Interview of Witness Nom Phuoun, 19 June 2015, ERN 01128267, A16, ERN 01128272, A76-A77; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216243, A3, A12, ERN 01216244, A13-A14. *See also* **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120041, A17, ERN 01120042-01120043, A29-A30, A42; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050475-01050476, A77-A78; **D219/451**, Written Record of Interview of Witness Yon Han, 9 August 2015, ERN 01149261-01149262, A6-A7, ERN 01149263, A11-A12; **D219/928**, Written Record of Interview of Witness Nhem Hea, 18 February 2017, ERN 01451498, A8-A10; **D219/117**, Written Record of Interview of Witness Top Seha, 12 December 2014, ERN 01067713, A107, A110; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A5-A7. *See also* para. 654.



While one witness alleges that around Khmer New Year in 1978 (14-16 April 1978)<sup>1743</sup> the worksite was closed and workers were sent back to their cooperatives,<sup>1744</sup> the prevalence of the evidence does not support the conclusion that it was closed for any significant period of time.<sup>1745</sup>

654. The dam construction met with failure on several occasions: around July or August 1977;<sup>1746</sup> at least once between late 1977 and mid-1978;<sup>1747</sup> and at least once in the second half of 1978, when the site was under complete Southwest Zone control.<sup>1748</sup>
655. At a building known as the “40-Pillar House” (located about 250 metres east of the sluice gate), worksite chiefs slept and worked, visiting senior cadres stayed, and training sessions and meetings were held.<sup>1749</sup> Approximately two kilometres west of the main sluice gate was Wat Tuol Andaet, where there was a building used by senior cadres, and a warehouse/garage for repairing broken machinery from the dam.<sup>1750</sup> It thus can be safely considered to have been sufficiently linked to the actual dam site to

<sup>1743</sup> <http://www.cam-cc.org/calendar/Utility/monthlycal.php?month=4&year=1978>.

<sup>1744</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128249-01128250, A34-A35.

<sup>1745</sup> See note 1742.

<sup>1746</sup> **D219/721**, Written Record of Interview of Witness Suom Bao, 27 February 2016, ERN 01216213, A19; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937, A5; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092950, A2-A3. See also **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244, A19, ERN 01216245, A21; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506, A10-A11, ERN 01207516-01207517, A67-A68, A70; **D6.1.819**, Foreign Broadcast Information Service collection of reports for February 1978, 12 November 2009 (filing date), ERN 00169237.

<sup>1747</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128244-01128246, A1, ERN 01128247, A12, ERN 01128250, A35; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042-01120043, A21, A29-A30, A33-A38, A45. See also **D219/411**, Written Record of Interview of Witness Chhorn Chhoeun, 7 July 2015, ERN 01142914, A18.

<sup>1748</sup> **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137615, A6-A7; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123-01135124, A4-A7. See also **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061168, A3.

<sup>1749</sup> **D219/272**, Site Identification Report, 24 April 2015, ERN 01088876, 01088880, 01088883; **D219/993**, Site Identification Report, 12 June 2017, ERN 01494948-01494950, 01494952-01494953; **D118/281**, Written Record of Interview of Witness Keo Sokha, 29 July 2014, ERN 01040513, A11; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029418, A17; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117718-01117719, A47-A48; **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451500, A25-A27.

<sup>1750</sup> **D219/272**, Site Identification Report, 24 April 2015, ERN 01088879, 01088888-01088889; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029419, A19; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969640, A17; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402-01029403, A14-A19; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117718, A39, A42-A45, ERN 01117721, A77-A79, ERN 01117722, A82-A83, ERN 01117725, A104, A106.





allow the finding that it formed part of it and that the CIJs are seized of it. Both the 40-Pillar House and Wat Tuol Andaet were also occasionally used to detain people.<sup>1751</sup>

### *Structure and personnel*

656. The worksite was under the direct authority of Sector 1.<sup>1752</sup> Northwest Zone cadre Ta Vanh was, as Sector 1 Secretary, in overall control of the worksite until his arrest in mid-1977.<sup>1753</sup> Yan (District Committee Member), Prum (Sector Committee Member and District Committee Chairman), Saman, and Ta Sou were in day-to-day control.<sup>1754</sup> Ta Sou entered S-21 in June 1977, and Prum and Yan were arrested around October 1977.<sup>1755</sup>

657. Following Ta Vanh's arrest, Northwest Zone cadre Ta Paet became Sector Secretary and Chairman of Kang Hort Dam.<sup>1756</sup> At least during Ta Paet's tenure as Sector

<sup>1751</sup> See paras 676-679. **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097411, A53, ERN 01097412, A64-A67; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029419, A19.

<sup>1752</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117720, A66-A67; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067710, A88; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937, A3; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151248, A29.

<sup>1753</sup> Former Sector 1 Secretary until arrest: See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 361; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974996, A29-A31; **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061168-01061169, A3. See also **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151249-01151251, A33-A45. In charge of worksite: **D219/410**, Written Record of Interview of Witness Hoeum Chhongly, 6 July 2015, ERN 01142891, A9, ERN 01142893, A14; **D219/237**, Written Record of Interview of Witness Chhorn Vorn, 24 March 2015, ERN 01092935, A2; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111936, A2; **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029417, A9; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076959, A6-A7; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574, A14. See also **D219/409**, Written Record of Interview of Civil Party Applicant Ang Sar, 5 July 2015, ERN 01142876, A14, A16; **D219/416**, Written Record of Interview of Witness Lies Kung, 12 July 2015, ERN 01135081, A32. *Contra* **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056865, A168; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135131, A35; **D219/20**, Written Record of Interview of Civil Party Applicant Chhum Vanny, 2 October 2014, ERN 01050473, A61.

<sup>1754</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117716, A11, ERN 01117717, A26, A28, A31, A33, ERN 01117718, A35, A37; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128709, A6, ERN 01128710, A20; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151248, A28; **D219/721**, Written Record of Interview of Witness Suom Bao, 27 February 2016, ERN 01216212, A9-A10, ERN 01216213, A17; **D219/412**, Written Record of Interview of Witness Koch Rien, 8 July 2015, ERN 01142926, A13; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A20; *Yim Tith's conduct and contribution to the JCE in the Northwest Zone*, para. 400.

<sup>1755</sup> **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222575, n. 6273, ERN 01222811, n. 11667; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710, A20; see *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 361.

<sup>1756</sup> Sector Secretary: see *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 361. Chairman of Kang Hort Dam: **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969644, A43. See also **D219/117**, Written Record of Interview of Witness Top Seung,



Secretary, the Sector Office was located at Kang Hort Dam or Tuol Andaet, where Ta Paet lived.<sup>1757</sup> At some point in 1977, a meeting was held at the dam during which Ta Paet announced that the Southwest Zone cadres “*have come to work with us*”,<sup>1758</sup> with the earliest references (with any degree of specificity) to the ‘arrival of Southwest Zone cadres’ in the Kang Hort Dam area placing the first arrivals between around August 1977 and late 1977.<sup>1759</sup> A former Southwest Zone cadre transferred as a mobile unit chief to the dam in 1978, after other Southwest Zone cadres had already been sent to the area,<sup>1760</sup> and a former worker also confirm that Southwest Zone cadres arrived prior to Khmer New Year 1978, which fell on 14-16 April 1978.<sup>1761</sup>

658. As elsewhere in Sector 1, Southwest Zone cadres cooperated with some but controlled other Northwest Zone cadres.<sup>1762</sup> Ta Paet announced at an assembly at the dam that **Yim Tith** had come to help govern Sector 1, and, although the civil party applicant giving that evidence estimates that **Yim Tith** arrived in the area around November 1978,<sup>1763</sup> this assembly must have taken place prior to Ta Paet’s arrest around August

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December 2014, ERN 01067706-01067707, A60-A61. *See also* **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130579, A32.

<sup>1757</sup> **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970437, A20; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130577, A20, ERN 01130579, A32; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719, A89-A90; **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092932, A16.

<sup>1758</sup> **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A25, ERN 01173578, A32, ERN 01173579, A34, A36, ERN 01173580, A40.

<sup>1759</sup> **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216245, A21; **D219/721**, Written Record of Interview of Witness Suom Bao, 27 February 2016, ERN 01216212, A6, ERN 01216213, A13. *See also* **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128723-01128724, A124; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A25.

<sup>1760</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700, A15, ERN 01067701, A19, ERN 01067702, A31, ERN 01067713, A108, ERN 01067717, A134. *See also* **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061168-01061169, A3.

<sup>1761</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128245-01128246, A1, A6; <http://www.cam-cc.org/calendar/Utility/monthlycal.php?month=4&year=1978>.

<sup>1762</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067713, A108-A110, ERN 01067714, A114; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A25, ERN 01173578, A32, ERN 01173579, A34, A36; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117730, A141. *See also* **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969643, A39.

<sup>1763</sup> **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061168-01061169, A3.



1978.<sup>1764</sup> **Yim Tith**'s increasing authority in any event left Ta Paet "powerless" even prior to his removal.<sup>1765</sup>

659. In June 1978, **Yim Tith**, became Sector 1 Secretary, and therefore became directly responsible for the site.<sup>1766</sup> Southwest Zone cadre Nim, a direct subordinate of **Yim Tith**, took charge of Tuol Andaet;<sup>1767</sup> Saman continued to exercise, under both Ta Paet and **Yim Tith**, a significant degree of control over the site.<sup>1768</sup>

### *Workforce*

660. Organised in both commune and sector level mobile units, the workforce consisted primarily of people, including children, from across Sector 1, but also other Northwest Zone sectors, and following Ta Vanh's arrest, but before October 1977, included at least two of the former Northwest Zone cadres in charge of the site, Yan and Prum.<sup>1769</sup>

<sup>1764</sup> See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, para. 362.

<sup>1765</sup> **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139587, A31. See also **D219/763**, Written Record of Interview of Witness Sao Chorp, 17 May 2016, ERN 01337024, A51, ERN 01337025, A60.

<sup>1766</sup> See *Yim Tith's appointment to positions in the Northwest Zone around June 1978*, paras 357-358, 360-361; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067710, A87.

<sup>1767</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969638, A7, ERN 00969644, A43; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029402, A14, A16; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097411, A56.

<sup>1768</sup> **D219/945**, Written Record of Interview of Witness Sok Chhoeut, 10 March 2017, ERN 01523955, A51, A58-A59; **D219/721**, Written Record of Interview of Witness Suom Bao, 27 February 2016, ERN 01216212, A9-A10. After Yim Tith's arrival: **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117730, A141; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128268, A32. *Contra* **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173576, A20.

<sup>1769</sup> Workforce from across Northwest Zone: **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067713, A107, A112; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128268, A25-A29; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207516, A66; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092950, A2, A5; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120045, A60, ERN 01120046, A89; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151247-01151248, A23-A28. Children: **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451498, A8-A10; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4; **D219/981**, Written Record of Interview of Witness Sao Chabb, 27 April 2017, ERN 01502689, A59; **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451498, A8-A9. *Contra* **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135156, A35. Former Northwest Zone cadres: *Prum:* **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139579, A5; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222811, n. 6273. *Yan:* **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01139579, A5; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222811, n. 1166.



661. Although one visitor to the site in 1977 estimates that “*tens of thousands*” of people worked there,<sup>1770</sup> the more reliable accounts (of a mobile unit chief and workers at the dam) put the figure, until August 1977, at between 5,000 and 6,000.<sup>1771</sup> The workforce thereafter decreased as workers were transferred elsewhere by the Southwest Zone cadres,<sup>1772</sup> although others were also transferred to the site in 1978, including a Banan District mobile unit of more than 300 women.<sup>1773</sup> In early 1978, the workforce was estimated to be 700-800,<sup>1774</sup> and by mid-1978 it had reduced to around 100;<sup>1775</sup> during the second half of 1978, according to one civil party applicant who was, however, “*not very sure*”, it increased again to an estimated 1,000.<sup>1776</sup> By late 1978, although some work was still being carried out, “*that place was quiet*”.<sup>1777</sup>
662. Overall, it is reasonable to conclude that the workforce fluctuated as required to complete the dam, and then for ongoing maintenance, and that until August 1977, over 5,000 people worked at the site, and after a gradual reduction to about a mere 100 from August 1977 to mid-1978, likely increased again to numbers closer to 1,000 in the second half of 1978. The investigation could not establish more accurate numbers.

#### *Living and working conditions*

663. Work consisted primarily of digging and carrying earth and stones in order to build and maintain the dam and surrounding canals.<sup>1778</sup> While there is evidence of machinery

<sup>1770</sup> **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172, A9.

<sup>1771</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506, A8-A11, ERN 01207512, A42. *See also* **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120045, A60, ERN 01120046, A89; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151247-01151248, A23-A27.

<sup>1772</sup> **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111938, A6; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128269, A39; **D219/268**, Written Record of Interview of Witness Nom Phoun, 9 April 2015, ERN 01098482, A10, ERN 01098486, A56. *See also* **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117730, A141; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216253, A85.

<sup>1773</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5, ERN 01135124, A8.

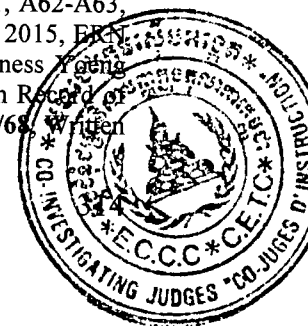
<sup>1774</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067701, A19, ERN 01067717-01067718, A139-A140.

<sup>1775</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128717, A70.

<sup>1776</sup> **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137614, A2; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135152, A10, ERN 01135156, A31.

<sup>1777</sup> **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151264, A142-A143.

<sup>1778</sup> **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128271, A62-A63, ERN 01128272, A73-A77; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120045, A60, ERN 01120047, A94-A95, A102; **D118/19**, Written Record of Interview of Witness Yean Yean, 14 February 2013, ERN 00912315, A6, ERN 00912316, A11-A12, A16; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970093, A6, ERN 00970095, A18; **D219/689**, Written



being used at the dam (and stored at Wat Tuol Andaet),<sup>1779</sup> the majority of work was manual labour. In addition to the health impact of such work, workers were also at risk from the dam collapsing: for example, “*many people*” died in the July/August 1977 collapse,<sup>1780</sup> over 300 in the dam break during Ta Paet’s tenure, but prior to, according to one witness’ recollection, the arrival of the Southwest Zone cadres,<sup>1781</sup> and an unknown number, possibly in the hundreds, in at least one collapse at an unknown date when the dam was already under Southwest Zone control.<sup>1782</sup>

664. People who worked at the dam in early to mid-1978, April 1977 to April 1978, and early 1977 to mid-1978, recall that work started between 5 and 7 a.m. until lunch at 11 or 11.30 a.m., then continued from 1 or 1.30 p.m. until dinner at 5 p.m., and for some, continued again from 6.30 p.m. until 10.30 or 11 p.m.<sup>1783</sup> A Southwest Zone cadre transferred to the dam in 1978,<sup>1784</sup> and a civil party applicant working at the dam under

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Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054017, A70-A72, ERN 01054018, A78; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937, A3-A4; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710, A19; **D219/412**, Written Record of Interview of Witness Koch Rien, 8 July 2015, ERN 01142936, A54-A55; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135152, A10, ERN 01135156, A33; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137614, A5; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A5-A7; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A3, ERN 01076959, A6, ERN 01076961, A16.

<sup>1779</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128246-01128247, A9; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135157, A37; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097415, A115; *see* para. 655.

<sup>1780</sup> **D219/721**, Written Record of Interview of Witness Suom Bao, 27 February 2016, ERN 01216213, A19; **D219/310**, Written Record of Interview of Witness Voin Samut, 9 May 2015, ERN 01111937, A5; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092950, A2-A3; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506, A10-A11, ERN 01207516-01207517, A67-A68, A70; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216244, A19, ERN 01216245, A21.

<sup>1781</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128244-01128246, A1, ERN 01128247, A12, ERN 01128250, A35; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042-01120043, A21, A28-A30, A33-A38, A45.

<sup>1782</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123-01135124, A4- A7; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137615, A6-A7.

<sup>1783</sup> **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A20-A25, ERN 01120043, A45, ERN 01120045, A60, ERN 01120047, A96; **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076958, A3, ERN 01076959, A6, ERN 01076961, A16-A17; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A13-A15, ERN 01128269, A39, ERN 01128271, A61, ERN 01128272, A73-A75.

<sup>1784</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700, A15, ERN 01067701, A19, ERN 01067708, A70, ERN 01067716, A127. *See also* **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135152, A10, ERN 01135156, A33; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173574, A15, ERN 01173575, A16, ERN 01173576, A22.



the Southwest Zone cadres confirm these hours.<sup>1785</sup> During Ta Paet's tenure, work was done in shifts, including through the night.<sup>1786</sup> One witness states that working conditions became "*much stricter*" under the Southwest Zone, with people ordered to work to exhaustion;<sup>1787</sup> another recounts that the diminishing workforce meant more work for those remaining behind.<sup>1788</sup> When **Yim Tith** visited, workers were urged by their unit chiefs to work hard, and were afraid of disappearances in the aftermath.<sup>1789</sup>

665. Until early to mid-1978, workers were monitored, and although they could relieve themselves without requiring permission, they would be warned if too many people were breaking from work to do so; while some workers could visit their home or neighbours with permission, those who left the worksite without permission risked arrest.<sup>1790</sup>
666. One witness recalls that, five or six months after Ta Vanh's arrest, workers who had picked fruit were punished by being assigned harder work quotas.<sup>1791</sup> Another witness, at the dam from early 1977 until mid-1978, was caught picking up oranges and was punished by having to dig, at gunpoint, 30 holes to plant banana trees.<sup>1792</sup> A worker

<sup>1785</sup> **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135152, A10, ERN 01135156, A33.

<sup>1786</sup> **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044713, A19; **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128245-01128247, A1, A9. *See also* **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A5, ERN 01135124-01135125, A11.

<sup>1787</sup> **D219/451**, Written Record of Interview of Witness Yon Han, 9 August 2015, ERN 01149263, A12. *See also* **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A74.

<sup>1788</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117730, A141.

<sup>1789</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050674-01050675, A39-A44; **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092950, A5; **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708-01067709, A71-A75, ERN 01067710, A90, ERN 01067718-01067719, A143-A146, A153.

<sup>1790</sup> **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912315, A6, ERN 00912316, A11-A12; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A21, ERN 01120043, A45, ERN 01120049, A118, A121; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A13-A15, ERN 01128269, A39, ERN 01128271, A64-A67, ERN 01128272, A73-A75; **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128244-01128246, A1, ERN 01128248, A16, ERN 01128250, A35.

<sup>1791</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128713-01128714, A41-A43.

<sup>1792</sup> **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A13-A15, ERN 01128271, A67-A68, ERN 01128272, A73-A75. *See also* **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117725, A108; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139586, A25-A26.



who stayed at the site until late 1977 was tied up by guards after falling asleep while working, before other soldiers released him.<sup>1793</sup>

667. While there is limited evidence that conditions improved slightly during Ta Paet's tenure (work finished at 10 p.m. instead of 11 p.m.; sick workers could ask for half a day off; workers could look for additional food; minor offences were forgiven; permission to visit other cooperatives was granted),<sup>1794</sup> such improvements would not have significantly assuaged the impact of the conditions otherwise prevailing during that period, and did not, in any case, continue under **Yim Tith**.<sup>1795</sup> After **Yim Tith** assumed control of the site, "*freedom of movement was tightly restricted*", more so than during Ta Vanh's tenure, with some guards armed with rifles, axes or machetes, and those "*moving freely or not working*" risked arrest.<sup>1796</sup>
668. While there were living quarters close to the worksite, and sheds in which workers slept, about half an hour's walk away,<sup>1797</sup> others lived in makeshift tents or shelters or slept in hammocks at the site or under trees.<sup>1798</sup> Following the July/August 1977 dam collapse, some mobile unit workers had to get up at 3 a.m. to walk the six or seven kilometres from where they lived.<sup>1799</sup>
669. No later than from late 1977 or early 1978 until April 1978, dam workers received more food than those in the surrounding rice fields and villages, some getting three meals a day. One former worker at the dam during this period saw no deaths from

<sup>1793</sup> **D118/19**, Written Record of Interview of Witness Yoeng Yean, 14 February 2013, ERN 00912315, A6, ERN 00912316, A11-A12, A14.

<sup>1794</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128716, A61-A64; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A74. *Contra* **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451498, A8-A10, ERN 01451499, A14-A15, A20.

<sup>1795</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128716, A64; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216251, A74.

<sup>1796</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117729-01117730, A136-A139; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137616, A12-A15.

<sup>1797</sup> **D219/172**, Written Record of Interview of Witness Toch Bunthy, 12 February 2015, ERN 01076959, A7; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207514, A50; **D219/268**, Written Record of Interview of Witness Nom Phoun, 9 April 2015, ERN 01098486, A49; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A19, ERN 01128271, A61.

<sup>1798</sup> **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029417, A10, ERN 01029419, A18; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135152, A10, ERN 01135156, A32; **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128246, A6, A9; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054017, A73. *See also* **D219/374**, Written Record of Interview of Witness Khin Khin, 22 June 2015, ERN 01120045, A60, ERN 01120051, A150.

<sup>1799</sup> **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092950, A2, A6.



starvation.<sup>1800</sup> One civil party applicant heard, from fellow villagers who worked at the dam under the Southwest Zone cadres, that dam workers were better fed than workers in the surrounding villages, and that food was “quite sufficient”,<sup>1801</sup> a statement echoed by a witness who worked under Southwest Zone control for one month.<sup>1802</sup>

670. Nonetheless, the totality of the evidence allows the conclusion that food remained insufficient for many, causing illness and deaths. One former worker explains that, prior to the assumption of control by Southwest Zone cadres, food rations varied from unit to unit, and only one sector level unit received “the best food”, due to the intensity of their work;<sup>1803</sup> no later than with the end of Ta Vanh’s tenure, most workers, however, received only two meals of rice gruel or porridge.<sup>1804</sup> Rations in Sector 1, around May 1978, were reduced to one and a half cans of rice per person, per day.<sup>1805</sup>

671. A worker who was at the dam for two months from July 1977, recalls people dying almost every day.<sup>1806</sup> A unit chief serving at the dam until early to mid-1978 who reported the number of sick workers to the cooks, states that “people were sick and they were emaciated and pale”, with nearly half of the 300 people in his unit sick; those who were unable to work received less food; and that deaths were a regular occurrence.<sup>1807</sup> Another worker stationed at the dam from early 1977 until mid-1978 confirms that people became ill from the work, with five to 10 dead bodies carried away daily, and he estimates that 200 to 300 people in his unit died from illness in total.<sup>1808</sup> While these two estimations are not entirely congruent, they nevertheless support a finding of numerous deaths from the overall conditions at the worksite.

<sup>1800</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128244-01128246, A1, ERN 01128247, A10, ERN 01128250, A35. See also **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067716, A130.

<sup>1801</sup> **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172-01061173, A9.

<sup>1802</sup> **D219/11**, Written Record of Interview of Witness Penh Nhanh, 17 September 2014, ERN 01047037, A15.

<sup>1803</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117728-01117729, A129-A130.

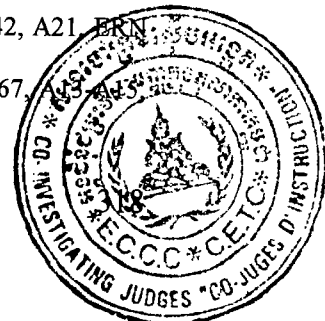
<sup>1804</sup> See para. 664; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710, A20; **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451498, A8-A10, ERN 01451499, A19; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137615, A8; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5, ERN 01135124, A11.

<sup>1805</sup> **D1.3.30.19**, Report by Nhim to Angkar 870, 11 May 1978, ERN 00185216.

<sup>1806</sup> **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092950, A2-A3, ERN 01092951, A9.

<sup>1807</sup> **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A21, ERN 01120043, A45, ERN 01120045, A60, ERN 01120048, A105-A107, A114-A116.

<sup>1808</sup> **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, ERN 01128269, A39, ERN 01128270, A60, ERN 01128271-01128272, A62, A71-A75.





672. A former dam worker, at the site both prior to and after **Yim Tith** was in charge of the Sector, states that food rations were reduced under **Yim Tith**, sick people received less food, and “*of course*” people died of starvation, with about 70% of an estimated 300 families in the Kang Hort area getting sick or dying from lack of food.<sup>1809</sup> Another former worker, transferred to the site in 1978 after the Southwest Zone cadres arrived, confirms that sick people received less food, and estimates that “*hundreds of people died of starvation, sickness and overwork*”,<sup>1810</sup> while one civil party applicant, working at the dam in second half of 1978, recalls that one or two people died every week due to insufficient food.<sup>1811</sup>
673. Although there is evidence of a hospital in the area and some transfers to other hospitals,<sup>1812</sup> the medication supplied in them was, from Ta Vanh’s tenure through to **Yim Tith**’s, made from cassava, or coconut water, often indiscriminately administered, ordinarily ineffective at best, and caused harm in some instances.<sup>1813</sup> Other sick people, throughout 1978, were treated on site with similar medications, and some were forced to work even when sick.<sup>1814</sup> While one witness claims that there “*was nothing at all*” with respect to treatment or medicine, it is not clear if she is referring to Kang Hort Dam or another site.<sup>1815</sup>
674. It is not possible to determine the exact number of people who died, due to a clear risk of double-counting between the different witness statements. The evidence nevertheless supports the conclusion that **several hundred** people died as a result of insufficient

<sup>1809</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117728, A123 A129. *See also* **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987741, A7-A8, ERN 00987743, A22, ERN 00987744, A25, ERN 00987750, A66-A67, ERN 00987759, A131.

<sup>1810</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5, ERN 01135125, A14, ERN 01135126, A16.

<sup>1811</sup> **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137613, A1, ERN 01137615, A9-A10.

<sup>1812</sup> **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A21, ERN 01120043, A45, ERN 01120048, A109; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117729, A132; **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172, A9.

<sup>1813</sup> **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A21, ERN 01120043, A45, ERN 01120048, A110; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117729, A133-A135; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128717, A74-A75.

<sup>1814</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128244-01128246, A1, ERN 01128249, A31-A32, ERN 01128250, A35; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5, ERN 01135124, A11, ERN 01135125-01135126, A15.

<sup>1815</sup> **D118/221**, Written Record of Interview of Witness Phan Yim, 10 April 2014, ERN 00987741, A7-A8, ERN 00987743, A22, ERN 00987744, A25, ERN 00987750, A69-A71.



food, overwork, and inadequate medical care during the period from mid-1977 until the end of 1978.

675. The contrary evidence by a Southwest Zone unit chief, who served at the site during 1978 until the arrival of Vietnamese troops, is not credible given the totality of the evidence: she maintains that (a) workers considered enemies were not arrested, but only instructed to work hard; (b) there were no guards at the worksite; (c) workers were usually given permission to visit families if they asked and would be given extra rice for their parents; and (d) she did not notice people disappearing in her mobile unit.<sup>1816</sup> Not only does her position during the relevant period as one of the supervisory staff undermine her credibility on these points, but the entire weight of the remainder of the evidence points in the opposite direction.

#### *Arrests and detention*

##### Detention on site

676. Although one witness alleges that there was a security office at the site,<sup>1817</sup> the evidence only supports the finding that both the 40-Pillar House and Wat Tuol Andaet served, on occasion, as temporary detention facilities.<sup>1818</sup>
677. One civil party applicant was arrested by Southwest Zone cadres about three months before the end of DK after he and 100 others fled their worksite (although it is not clear which), following which he and 30 to 40 others were detained at the 40-Pillar House for three days. While he was tied up and interrogated, he was not otherwise physically assaulted; however, others who were taken for interrogation were never seen again. On the third day, only 12 detainees remained, and they were sent to Wat/Po Laingka/Kach Roteh Security Centre (another charged site).<sup>1819</sup>
678. Another witness also saw people tied up at the 40-Pillar House, on two occasions in late 1977 to early 1978. One group (of two or three) was held for around one hour, before

<sup>1816</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700, A15, ERN 01067702, A31, ERN 01067715, A121, A125-A126, ERN 01067719-01067720, A154-A156, A161, ERN 01067721, A164.

<sup>1817</sup> **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128274, A103-A106.

<sup>1818</sup> See also **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132666, A32; **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029403, A19; **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135158, A46.

<sup>1819</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132665-01132666, A20-A27.



they were taken away by Saman. The witness does not provide sufficient information in relation to the second incident to draw any conclusions.<sup>1820</sup>

679. Witness Chham Luy was among a group of 20 to 50 people arrested under the supervision of **Yim Tith**'s subordinate Nim, accused of being 'Yuon', and transferred to and held overnight at Wat Tuol Andaet in late 1978. Separated into 'serious' and 'minor' offenders, the witness, in the latter group, was held in wall-less shelter with 30 to 40 others, under armed guard. He saw over 20 people (including children) from the other building, which was about 30 metres away, being taken away, and then heard screaming and gunshots from circa 200 metres away. The witness states that Nim was present during his arrest, while he was held at Wat Tuol Andaet, and when the people were taken to be killed. The following morning, another 30 to 40, including the witness, were sent to Phnom Thipakdei, with only 10 remaining, whom Chham Luy later heard were also killed at the same location.<sup>1821</sup>

#### Transfers to Banan Security Centre and Khnang Kou Security Centre

680. A civil party applicant who worked at a nearby paddy field from 1977, and who was sometimes permitted to visit relatives at the dam, heard, although he does not state from whom, that those who made mistakes at the dam were sent to Banan Security Centre.<sup>1822</sup> A witness at the site from early 1977 until mid-1978 also states that those who committed serious offences were detained near the dam site for interrogation for one or two days before being sent to Banan, but does not provide details of any specific incidents.<sup>1823</sup>

<sup>1820</sup> **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139585, A23, ERN 01139596-01139598, A60-A62.

<sup>1821</sup> **D118/243**, Written Record of Interview of Witness Chham Luy, 22 May 2014, ERN 01029399, A3, ERN 01029402-01029403, A14-A18; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097408, A18, ERN 01097409, A32, ERN 01097410-01097411, A41-A45, A47-A53, ERN 01097412, A64-A77. See also **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029419, A19; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969640, A17.

<sup>1822</sup> **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172, A9.

<sup>1823</sup> **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, ERN 01128272, A73-A75, ERN 01128274, A103-A106.



681. Sok Cheat, in charge of a mobile unit at the dam until August 1977, states that people were arrested for minor mistakes such as breaking equipment, with 40 people arrested per day and sent to Banan, however he does not provide when such arrests started.<sup>1824</sup>
682. One former worker, who said that the project was not possible, and his friend (another witness) who warned him against such statements, were arrested and held at the 40-Pillar House for one night before being sent to Banan Security Centre, where they were held along with an unknown number of Northwest Zone cadres. This occurred between Ta Vanh's arrest in mid-1977 and Prum's in October 1977 (although one witness recalls that it was in early 1978, this is not possible given Prum's entry date to S-21).<sup>1825</sup>
683. According to another witness who worked near the dam in 1977, people were also arrested and transferred to Khnang Kou Security Centre.<sup>1826</sup>

#### Other transfers

684. In September-October 1977, Prum and Yan, Northwest Zone cadres, were first removed from their positions to work at the dam, before being arrested and sent to S-21.<sup>1827</sup> There is also evidence regarding other arrests and transfers, however, it provides an insufficient basis from which factual conclusions can be drawn.<sup>1828</sup>

<sup>1824</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207506, A8-A11, ERN 01207510-01207511, A35, ERN 01207516, A63.

<sup>1825</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970093, A6-A7; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151246, A12-A13, A16, ERN 01151247, A19, ERN 01151250, A41; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1, ERN 00970452, A4; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222575, n. 6273.

<sup>1826</sup> **D219/748**, Written Record of Interview of Witness Srey Soeurn, 20 April 2016, ERN 01251813, A81-A86.

<sup>1827</sup> **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128710, A20; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222575, n. 6273, ERN 01222811, n. 11667.

<sup>1828</sup> **D219/268**, Written Record of Interview of Witness Nom Phoun, 9 April 2015, ERN 01098486-01098487, A58-A64; **D219/373**, Written Record of Interview of Witness Nom Phoun, 19 June 2015, ERN 01128267, A13-A15, ERN 01128272, A73-A75, ERN 01128274, A107, ERN 01128277, A131-A138; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120042, A21, ERN 01120043, A45, ERN 01120048-01120049, A116, A120, A124-A126, ERN 01120055, A202-A204; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135131, A38; **D1.3.10.2**, Report of Sector 1 Situation and the People's Standard of Living, 28 May 1977, ERN 00143567.



*Killings and disappearances*

685. In addition to those who were killed or disappeared after being detained at the 40-Pillar House and Wat Tuol Andaet,<sup>1829</sup> other killings and disappearances occurred at and around Kang Hort Dam, although the evidence is at times too tenuous to allow definitive findings.
686. In March 1977, according to a witness, Saman shot and killed a worker deemed to have an “*ideological illness*”; although the basis regarding the reason is hearsay, the account of the killing itself is satisfactorily detailed and the witness otherwise credible.<sup>1830</sup> In July 1977, a man who had stolen some bananas because he was hungry was repeatedly pushed into a stream to be drowned by Saman and his subordinates, who were laughing. He was then taken back to the 40-Pillar House, and, according to the witness, killed thereafter.<sup>1831</sup>
687. A witness recalls that two or three people, who had been transferred to and held briefly at the 40-Pillar House, were removed by Saman, who later returned holding human gallbladders. The witness places this event in late 1977 or early 1978, however, as he states that Prum, who was arrested around October 1977, also witnessed this, it must have been prior to or in October 1977.<sup>1832</sup>
688. A Sector 4 mobile unit worker, who was at the dam for two months following the mid-1977 collapse, confirms that, as elsewhere, “*many people*” disappeared from his unit while working at the dam, with between one and three people removed, at night, if unit chiefs had reported them as lazy or dishonest; he does not however provide information regarding the frequency of such removals.<sup>1833</sup> While he also states that seven or eight people from his unit disappeared because they were lazy, he does so in the context of

<sup>1829</sup> See paras 677-679.

<sup>1830</sup> **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139598, A63.

<sup>1831</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117725, A108; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139586, A25-A26.

<sup>1832</sup> **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139584, A18-A19, ERN 01139585, A22-A23; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117725, A108.

<sup>1833</sup> **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092949-01092950, A2-A4.



explaining that his mobile unit worked at a variety of locations, and therefore it is not possible to determine how many of those people disappeared from Kang Hort Dam.<sup>1834</sup>

689. Between a July 1978 meeting at Bay Damram Village chaired by **Yim Tith** and the arrival of Vietnamese forces in the area, 110 former Northwest Zone cadres and unit chiefs, who had been stripped to their underwear, tied up, and severely beaten, were made to stand on top of the dam. Onlooking workers were told not to “*follow their way*”; none of them were seen again.<sup>1835</sup> The only reasonable inference is that they were killed.
690. A civil party applicant who worked at the dam under the Southwest Zone cadres states that 10 or 20 people from his unit disappeared,<sup>1836</sup> again, the only reasonable inference is that they were killed. The same civil party applicant witnessed the killing of two workers who had been accused by their unit chairperson of working slowly, and, about two days later, the burial alive by Southwest Zone soldiers of a pregnant woman under a column of the dam sluice, in open view of nearby workers.<sup>1837</sup> He initially states that the latter occurred only about four days prior to the Vietnamese arriving in Battambang, but in a subsequent interview he changes his testimony to saying that almost two weeks passed before the Vietnamese arrived in Battambang Province.<sup>1838</sup> However, as it is unclear whether the Vietnamese arrived in Sector 1 within a matter of days or weeks of the fall of Phnom Penh,<sup>1839</sup> it cannot be excluded that these events occurred after 6 January 1979 and hence outside the Court’s temporal jurisdiction.

<sup>1834</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050672, A24-A26.

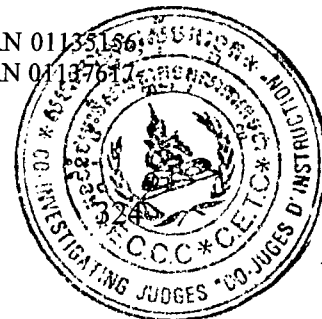
<sup>1835</sup> **D219/532**, Written Record of Interview of Witness Lies Kung, 23 September 2015, ERN 01180932, A17, ERN 01180933-01180934, A19, A28-A33.

<sup>1836</sup> **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137616, A15.

<sup>1837</sup> **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135156-01135158, A36-A39, A42-A43.

<sup>1838</sup> **D219/425**, Written Record of Interview of Civil Party Applicant Van Chea, 20 July 2015, ERN 01135156, A36; **D219/428**, Written Record of Interview of Civil Party Applicant Van Chea, 23 July 2015, ERN 01137616, A21.

<sup>1839</sup> See *Koas Krala Security Centre*, para. 586.



691. In a separate incident, eight women, two of whom were pregnant, were killed and then buried under the sluice pillars during the Southwest Zone cadres' period of control, likely in 1978.<sup>1840</sup>
692. One witness, who lived at the site in the four to five months prior to Khmer New Year 1978, learnt that an unspecified number of workers were killed after they were asked to attend meetings from which they did not return.<sup>1841</sup>
693. Finally, although Ta Paet's bodyguard guesses that "*more than 100 people were killed at Tuol Andaet pagoda*", he does not provide any basis for this estimate to render it reliable.<sup>1842</sup> Similarly, his evidence regarding the disappearance of other bodyguards from Kang Hort Dam is insufficiently detailed to form the basis of factual conclusions.<sup>1843</sup>

#### *Visits by Yim Tith*

694. During Ta Vanh's tenure, in mid-1976, **Yim Tith** and Ta Mok, prior to a three-day study session in Battambang, visited Kang Hort Dam Worksite and encouraged workers to "*engage in the struggle*" as the "*country [was] still poor*".<sup>1844</sup>
695. **Yim Tith** gave a speech about dam construction at a Sector 1 assembly at the site, between Ta Vanh's arrest in mid-1977, and based on Prum's attendance at the assembly, prior to his arrest in October 1977.<sup>1845</sup> Lek Phiev, while he was Thipakdei Cooperative Secretary between February 1977 and late 1977,<sup>1846</sup> attended Sector 1 meetings held every ten days at Kang Hort Dam or Prey Tauch which Ta Paet and sometimes **Yim Tith** attended and at which they "*always talked about the Vietnamese*

<sup>1840</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135123, A4-A5, ERN 01135126-01135127, A17-A20.

<sup>1841</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128245-01128246, A1, ERN 01128250, A35.

<sup>1842</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969640, A17.

<sup>1843</sup> **D118/271**, Written Record of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029419, A20.

<sup>1844</sup> **D219/981**, Written Record of Interview of Witness Sao Chorp, 27 April 2017, ERN 01502686, A11, ERN 01502687, A29, A34, ERN 01502688, A41, ERN 01502689, A54-A55, A58, A61.

<sup>1845</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970098, A34-A37, A39; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151249-01151251, A33-A45. See Regarding Prum's arrest; **D219/465**, Written Record of Interview of Witness Chhoeung Bean, 17 August 2015, ERN 01139579, A5; **D219/825.1.2**, OCIJ S-21 Prisoner List, 13 September 2016 (filing date), ERN 01222575, n. 6273.

<sup>1846</sup> See *Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)*, para. 603. **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A1; **D219/210**, Written Record of Interview of Witness Lek Phiev, 4 March 2015, ERN 01092930, A2.



*enemies*".<sup>1847</sup> **Yim Tith**'s attendance at the site in mid-1977 is supported by a civil party applicant who saw him walk "*past [his] worksite to the other management worksite at Kanghat Dam*".<sup>1848</sup>

696. Around the beginning of 1978, **Yim Tith** was seen at the dam "*once in a while*".<sup>1849</sup>
697. One witness maintains that **Yim Tith** had an office at Wat Tuol Andaet<sup>1850</sup> – however, this is hearsay based on two former workers at the location, including a former subordinate of Ta Paet; there are furthermore inconsistencies in his recollection of dates and timeframes, so while he appears credible, his testimony is not fully reliable.
698. At an assembly at the site prior to Ta Paet's arrest around August 1978, at which Ta Paet announced that **Yim Tith** had come to help govern the sector, **Yim Tith** spoke about the need to watch for "*enemies*".<sup>1851</sup>
699. From early 1978, **Yim Tith** conducted site visits with Ta Mok;<sup>1852</sup> after replacing Ta Paet, **Yim Tith** visited the worksite at least twice a month (with one witness stating that **Yim Tith** visited on "*countless occasions*" and "*on a daily basis*"), where he discussed dam construction with unit chiefs.<sup>1853</sup> By late 1978, the district office was relocated closer to the dam, where **Yim Tith** chaired at least two meetings.<sup>1854</sup>
700. One witness heard from detainees at Wat Tuol Andaet that **Yim Tith** moved to Kang Hort Dam,<sup>1855</sup> however, the remainder of the evidence suggests that, while he regularly attended the site, he did not live there.

<sup>1847</sup> **D219/236**, Written Record of Interview of Witness Lek Phiev, 20 March 2015, ERN 01092930, A1, ERN 01092932-01092933, A16-A19.

<sup>1848</sup> **D219/239**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 25 March 2015, ERN 01092950, A2-A3, A7.

<sup>1849</sup> **D219/928**, Written Record of Interview of Witness Nhem Hean, 18 February 2017, ERN 01451498, A8-A10, ERN 01451499, A14-A16; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128719-01128720, A84-A91.

<sup>1850</sup> **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117722, A82-A86.

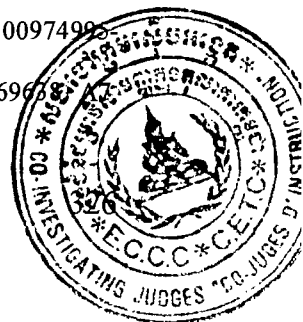
<sup>1851</sup> **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061169, A5, ERN 01061170, A7.

<sup>1852</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067700, A15, ERN 01067701, A19, ERN 01067702, A31, ERN 01067710, A89-A90; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974999, A53.

<sup>1853</sup> **D219/117**, Written Record of Interview of Witness Top Seung, 8 December 2014, ERN 01067708-01067709, A71-A75, ERN 01067710, A90, ERN 01067718-01067719, A143-A146; **D219/368**, Written Record of Interview of Witness Chhoeung Bean, 17 June 2015, ERN 01117717, A24.

<sup>1854</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974996, A15-A26.

<sup>1855</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969665, ERN 00969640, A17.





#### 5.5.2.4 Banan Security Centre

##### *Location and establishment*

701. Banan Security Centre was located in Banan Village, Kanteu Commune, Sangkae District (now Banan), Sector 1 of the Northwest Zone.<sup>1856</sup> It was on the West bank of the Stueng Sangkae River, at the southern entrance of Wat Banan Krom, which functioned as a hospital.<sup>1857</sup>

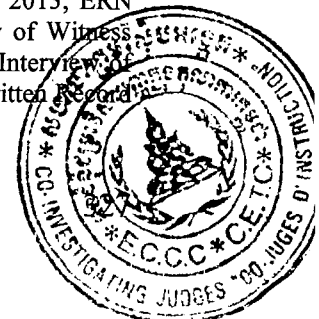
702. The Security Centre was established shortly after 17 April 1975,<sup>1858</sup> and continued operating until around mid-1978,<sup>1859</sup> when all detainees were transferred to Khnang

<sup>1856</sup> **D118/146**, Report of the Execution of Rogatory Letter, dated 2 November 2013: Site Identification Report, 2 November 2013, ERN 00962481-00962482; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A1; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178504, A186, A189; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978428, A65; **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061168-01061169, A3. Cf. **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1; **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081753, A58-A59.

<sup>1857</sup> **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081753, A57; **D219/410**, Written Record of Interview of Witness Hoeum Chhongly, 6 July 2015, ERN 01142898, A31, referring to **D219/410.2**, Annex 2: Sketch by Witness Hoeum Chhongly, 5 May 2016 (filing date), ERN 01238091; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054020, A99, ERN 01054022, A106; **D118/144**, Written Record of Interview of Witness Koet Chuoan, 12 November 2013, ERN 00962225, A4; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A2; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975001, A73-A74; **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978428, A64; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451-00970452, A1, A6; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151252, A57; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970437-00970438, A26-A29; **D118/146**, Report of the Execution of Rogatory Letter, dated 2 November 2013: Site Identification Report, 2 November 2013, ERN 00962482. The pagoda functioned as a hospital: **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574-01130575, A5; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970099, A45; **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066852-01066853, A3; **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172, A9.

<sup>1858</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A1; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044708-01044709, A3; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054008-01054009, A1, A3, ERN 01054021, A104-A105; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044720-01044721, A3. See also **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081751, A44; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A2; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178505, A191. Cf. **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970438, A28.

<sup>1859</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A13; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970095, A16-A17. See also **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636-00969637, A2, ERN 00969647, A60-A61. Cf. **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044720-01044721, A3; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130575, A7, ERN 01130577, A17-A18; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975001, A75.



Kou Security Centre.<sup>1860</sup> Han Thy, who was the Secretary of Kanteu Commune, testifies that Banan Security Centre was still operational shortly before the arrival of the Vietnamese, when he went there to free detainees.<sup>1861</sup> However, it is implausible that, as commune secretary, he would have had the authority to release detainees at a sector level site (see below) on the scale that he claims. He also first states that he released 30 to 40 people, and later that it was “hundreds”,<sup>1862</sup> while his evidence is also inconsistent with that of another witness (whom Han Thy claimed he released)<sup>1863</sup> who states, without naming Han Thy as being involved, that he was released in February 1976.<sup>1864</sup> Han Thy’s testimony is therefore not reliable on this point.

703. Banan Security Centre comprised a small detention building for ‘serious offenders’, two larger detention halls, and an interrogation building.<sup>1865</sup> The prison compound was surrounded by several lines of barbed wire fences.<sup>1866</sup> At the foot of Phnom Banan,

<sup>1860</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A13; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921, A15, A18; **D219/545**, Written Record of Interview of Witness Phar Pet, 4 October 2015, ERN 01178535, A50; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975001, A74, A76-A77; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130575, A7, ERN 01130578, A26-A27. Cf. **D118/295**, Written Record of Interview of Witness Sum Voeut, 23 August 2014, ERN 01044708, A2, ERN 01044710, A8; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044723, A8.

<sup>1861</sup> **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945849-00945850, A1, A3, ERN 00945853, A39-A40; **D105/8**, Written Record of Interview of Witness Han Thy, 20 March 2012, ERN 00803455, A10, ERN 00803457, A24-A25.

<sup>1862</sup> **D105/8**, Written Record of Interview of Witness Han Thy, 20 March 2012, ERN 00803457, A25; **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945853, A39-A40.

<sup>1863</sup> **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945850, A4-A6.

<sup>1864</sup> **D118/144**, Written Record of Interview of Witness Koet Chuoen, 12 November 2013, ERN 00962224, A1, ERN 00962225, A6.

<sup>1865</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095-00970096, A21, ERN 00970099, A44. Facility for serious offenders: **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A8. Two other detention halls: **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130575-01130576, A8; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054008-01054009, A3; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 009740453, A8. Interrogation hall: **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A25; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970453, A11; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054008-01054009, A3, ERN 01054020-01054021, A100-A103; **D219/545**, Written Record of Interview of Witness Phar Pet, 4 October 2015, ERN 01178532, A28-A30. Cf. **D118/144**, Written Record of Interview of Witness Koet Chuoen, 12 November 2013, ERN 00962225, A4.

<sup>1866</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130575-01130576, A8; **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01243344, A12, A22.



between 500 metres and one kilometre west of the security centre, was a killing and burial site.<sup>1867</sup>

### *Structure and personnel*

704. Banan Security Centre was initially operated by the Sangkae District military, but between early and mid-1978 became a sector level site.<sup>1868</sup> Ran, alias Saran, was a company commander and the chief of Banan Security Centre.<sup>1869</sup> The evidence allows the conclusion that Ran reported to Thav, who was the chief of the Sangkae District military.<sup>1870</sup> From late 1977 to early 1978, Southwest Zone cadres progressively replaced the Northwest Zone personnel at Banan Security Centre,<sup>1871</sup> including Ran, who was arrested shortly before the security centre ceased operating.<sup>1872</sup>

<sup>1867</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975002, A81; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970097, A28; **D219/273**, Site Identification Report, 24 April 2015, ERN 01088895, ERN 01088900. *See also* **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054012, A32; **D219/208**, Written Record of Interview of Witness Horng Thai, 26 February 2015, ERN 01088510, A11; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193238, A34; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173590, A94-A95.

<sup>1868</sup> **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151253, A59; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970094, A13, A15; **D118/271**, Written Report of Interview of Witness Chhean Hea, 7 July 2014, ERN 01029423, A38; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969647, A62-A63; **D219/546**, Written Record of Interview of Witness Phar Pet, 5 October 2015, ERN 01172549, A3; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A3, ERN 01130576, A9. *Cf. District level:* **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970438, A31; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975002, A82. *Cf. Sector level:* **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970452, A8; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193239, A41; **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945854, A46; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950732, A48.

<sup>1869</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305920-01305921, A9, A14; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193234, A18; **D219/868**, Written Record of Interview of Witness Chea Chhoeuy, 7 November 2016, ERN 01390228, A23, A25; **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054019, A86; **D219/545**, Written Record of Interview of Witness Phar Paet, 4 October 2015, ERN 01178531, A21; **D219/698**, Written Record of Interview of Witness Does Doeun, 25 February 2016, ERN 01213448-01213449, A23-A24.

<sup>1870</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970094, A11; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970438, A33; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044720-01044721, A3; **D219/545**, Written Record of Interview of Witness Phar Paet, 4 October 2015, ERN 01178529, A9-A12.

<sup>1871</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451-00970452, A1, ERN 00970456, A26; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921, A15, A18; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044725, A17; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A3, ERN 01130577, A20. *See also* **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970094, A12; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969647, A62-A63.



705. From some time in 1975, Ta Vai was the Secretary of Sangkae District and Ta Yan his deputy; both fled into the forest when the first Southwest Zone cadres arrived in the district, likely in early 1977, and it is not known who replaced them.<sup>1873</sup>

#### Arrests

706. Workers at Kang Hort Dam accused of trivial transgressions such as criticising *Angkar* or breaking equipment, were arrested and taken to Banan Security Centre.<sup>1874</sup> Sok Cheat, responsible for preparing lists of workers at Kang Hort Dam until August 1977, states that at least 40 workers were sent from Kang Hort to Banan every day, but he does not specify when such transfers started.<sup>1875</sup> Ordinary people in Sector 1 who were accused of stealing, “*moral misconduct*”, or had tried to escape various provinces were also detained at Banan Security Centre.<sup>1876</sup> In addition to these “*light offenders*”, there were also “*serious offenders*”, particularly former Lon Nol soldiers and others with connections to the Khmer Republic, as well as Northwest Zone cadres arrested following the arrival of the Southwest Zone cadres in Sector 1.<sup>1877</sup>

October 2013, ERN 00969636, A2, ERN 00969643, A39. Cf. **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151253, A60.

<sup>1872</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921, A15.

<sup>1873</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00974994, A9-A12; **D219/430**, Written Record of Interview of Witness Chhoeung Bean, 27 July 2015, ERN 01128716, A60; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970436, A12; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151256, A80; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130577, A17; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305920, A12-A13, ERN 01305926, A52; **D105/3**, Written Record of Interview of Witness Nuon Muon, 15 February 2012, ERN 00787174, A10-A11; **D118/69**, Written Record of Interview of Witness Nuon Muon, 30 May 2013, ERN 00950726, A6-A7, A9; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969636, A2. *Contra* **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970095, A18; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151253, A60, ERN 01151254, A70; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156940, A17.

<sup>1874</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970093, A6-A7; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207510-01207511, A35; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216248-01216249, A52-A57; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1; **D219/85**, Written Record of Interview of Civil Party Applicant Vy Phann, 18 November 2014, ERN 01061172, A9.

<sup>1875</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207510-01207511, A35, ERN 01207516, A63; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216245, A22, ERN 01216248-01216249, A52-A57, ERN 01216253, A84-A86.

<sup>1876</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A18; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A8.

<sup>1877</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A8; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970452, A4, ERN 00970454, A18; **D118/144**, Written Record of Interview of Witness Koet Chhoeun, 12 November 2013, ERN 00970454, A1; **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081761, A120.



707. People from local villages were generally taken to Banan Security Centre on foot, whereas those from further away were transported in horse carts carrying five to six people, with their arms tied behind their back, and were covered with scarves from their heads down.<sup>1878</sup> New detainees arrived daily, and many were killed shortly after arrival.<sup>1879</sup>
708. The evidence on detainee numbers varies widely. Nang Ny, detained at Banan Security Centre from late 1977 to mid-1978, estimates that 500 people were detained with him.<sup>1880</sup> Tiep Tith, detained around the same time, estimates 50.<sup>1881</sup> Hang Suom, who delivered food to her mother, a detainee for 18 months from September or October 1976, estimates that there were about 50 in one of the detention halls.<sup>1882</sup> Vor Ruom, a guard from early 1976 to early 1977, states that 350 people were detained.<sup>1883</sup> Given the numbers of victims killed and the frequency of the killings set out below, the numbers in the hundreds appear more likely to be accurate.
709. A local villager, Dos Doeun, who drove his ox-cart past the prison saw about 100 people walking to collect water, and on unspecified number of other occasions saw detainees being led from Banan Security Centre across the Sangkae River to Khnang Kou Security Centre, 10 or 20 at a time, and he estimates a total of at least 82 whom he counted.<sup>1884</sup> However, this evidence is not sufficiently reliable for the present charges as the witness does not state when he saw the people collecting water, and gives unclear evidence about the timing of the movement across the river, stating that detainees were

<sup>1878</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130576-01130577, A12-A13. *Contra* **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213447, A14.

<sup>1879</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A16; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130576, A12.

<sup>1880</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451-00970452, A1, A8.

<sup>1881</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2, ERN 00970095, A16, ERN 00970096, A22.

<sup>1882</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A3, ERN 01130575, A5-A6, A8.

<sup>1883</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919-01305920, A2, A8, A12-A13, ERN 01305925-01305926, A47-A49, A52.

<sup>1884</sup> **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213449, A28; **D219/797**, Written Record of Interview of Witness Dos Doeun, 16 July 2016, ERN 01337056, A19-A21, ERN 01337057, A29-A30, ERN 01337061, A59-A60, ERN 01337062, A62.



taken to Khnang Kou in 1976, between mid-December 1977 and mid-January 1978 (the month of *Bos*), and in 1978.<sup>1885</sup>

### *Conditions of detention*

710. “*Serious offenders*” were detained separately in a small, windowless building.<sup>1886</sup> In the main detention halls at least some detainees’ legs were shackled.<sup>1887</sup>
711. Food was inadequate. Detainees were given two meals per day consisting of very little rice and water, and mixed with rotten vegetables and maggots; they also received only about a glass of water per day.<sup>1888</sup> Detainees were only allowed to bathe once or twice a month, and had to share a box that was passed around to relieve themselves;<sup>1889</sup> on at least one occasion Nang Ny was beaten because he moved when he was about to urinate.<sup>1890</sup> Sick detainees were not admitted to the nearby hospital.<sup>1891</sup>

### *Interrogations*

712. The military personnel at Banan Security Centre conducted interrogations in a three-by-six-metre building which was a short walk away from one of the detention halls.<sup>1892</sup> During the interrogation, detainees’ hands were tied behind their backs; they were suffocated with plastic bags and beaten with wooden clubs or other instruments, sometimes to the point of fainting.<sup>1893</sup> During his interrogation, Tiep Tith was accused

<sup>1885</sup> **D219/797**, Written Record of Interview of Witness Dos Doeun, 16 July 2016, ERN 01337056-01337057, A24-A27, ERN 01337063, A71, ERN 01337065, A87.

<sup>1886</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095-00970096, A21; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A8; **D219/868**, Written Record of Interview of Witness Chea Chhoeuy, 7 November 2016, ERN 01390227, A17, ERN 01390228, A25.

<sup>1887</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A22; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970453, A10. Cf. **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A8. See also **D219/783**, Written Record of Interview of Witness Hem Preng, ERN 01485052, A52-A54.

<sup>1888</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970453, A10; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A26.

<sup>1889</sup> **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151254, A65; **D219/783**, Written Record of Interview of Witness Hem Preng, ERN 01485051-01485052, A50.

<sup>1890</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970455, A19.

<sup>1891</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130575, A5.

<sup>1892</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A25; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, 00970453, A11, ERN 00970454, A12. Cf. **D219/68**, Written Record of Interview of Witness Yoeun Chanthou, 17 November 2014, ERN 01054008-01054009, A3, ERN 01054020-01054021, A100-A103.

<sup>1893</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, 00970453, A11; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A23-A24; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305924, A34; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193234, A18.



of being an enemy; both he and Nang Ny were interrogated shortly after arriving at Banan, and then two or three times afterwards.<sup>1894</sup>

### *Killings*

713. Killings occurred on a daily basis.<sup>1895</sup> While there was a steady population of “*minor offenders*” who were detained for longer periods, and some were released after a period of detention,<sup>1896</sup> many new arrivals were killed more or less directly upon arrival.<sup>1897</sup> There is circumstantial and hearsay evidence that some were killed at the foot of Phnom Banan, or killed in the security centre and their bodies then buried below Phnom Banan.<sup>1898</sup>
714. During his detention from late 1977 to mid-1978, Nang Ny saw people taken out of the detention hall every morning and evening, and guards told him that they killed five to 10 detainees a day; if one counts his minimum time of detention as six months of 30 days each, this would result in a victim count of 180 days x 5 prisoners = **900**.<sup>1899</sup> Nang Ny’s evidence is partly corroborated by Tiep Tith, who was detained from early to mid-1978. He saw between one and three people, mostly new arrivals, taken out of the detention hall every day, in the mornings and evenings. He heard guards say that they were killed, either beaten with hoes and axes, or having their throats slit.<sup>1900</sup> Nang Ny’s testimony on the numbers killed is to be preferred over that of Tiep Tith, because in addition to seeing people taken away every day, he presents reliable hearsay evidence in that he was provided contemporaneous information directly from the actual perpetrators at the time on the number of persons killed, which Tiep Tith was not.

<sup>1894</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970096, A23-A24; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970453, A11.

<sup>1895</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130576, A12; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970454, A16.

<sup>1896</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970092, A2; **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451, A1, ERN 00970453, A11; **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130574, A1; **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193235, A21.

<sup>1897</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16, ERN 00970097, A27.

<sup>1898</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970097, A28; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975002, A81; **D219/374**, Written Record of Interview of Witness Khin Khim, 22 June 2015, ERN 01120057, A220-A222; **D219/946**, Written Record of Interview of Witness Lao Kang, 13 March 2017, ERN 01502656, A45, ERN 01502657, A48-A49, A52-A53.

<sup>1899</sup> **D118/77**, Written Record of Interview of Witness Nang Ny, 23 June 2013, ERN 00970451-00970452, A16.

<sup>1900</sup> **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970097, A27.



715. In mid-1978, a local villager witnessed an incident of people being transported to the vicinity of Banan Security Centre in vehicles; a short time later she heard the sound of gunfire and saw the same vehicles return empty. The witness states that this happened around the time “*they accused people of being part of the Vietnamese networks*”, however provides no further detail regarding the regularity of such events, or the number of victims.<sup>1901</sup>
716. Vor Ruom states that there were no killings at Banan Security Centre, but he also testifies that “*serious offenders*” were sent away and he does not know where. While his position as a guard at the site is a likely reason for him to deny knowledge of crimes taking place there, he left Banan prior to the Southwest Zone cadres taking control of the site, so his evidence is in essence irrelevant for the charges against **Yim Tith**.<sup>1902</sup>
717. Former detainee Ing Oeum testified that “*9006*” people were killed at the foot of Banan Mountain, but when asked was unable to give any further detail; which is particularly relevant because of the unusually precise number she gives; this would suggest some form of knowledge based on seeing a documented count etc., because it is highly unlikely that she was able at the time to do a full head count to such a degree of specificity.<sup>1903</sup> Moreover, she provided contradictory evidence regarding the timing of her imprisonment. On different occasions she states that she was released in 1977; in 1978; shortly before the Southwest Zone cadres arrived in May or June 1978; one day before Banan Security Centre was moved to the other side of the river; and one year from early 1976.<sup>1904</sup> Her evidence is thus not sufficiently reliable to form a basis for calculating victim numbers.

#### *Visits by Yim Tith*

718. Vor Ruom, a former guard at the site, saw **Yim Tith** visit the prison “*probably in 1977*”, about two months before the arrival of the Southwest Zone cadres, with security

<sup>1901</sup> **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130576, A9.

<sup>1902</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305919, A2, ERN 01305920-01305921, A8, A12-A13, A18.

<sup>1903</sup> **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193238-01193239, A34-A38.

<sup>1904</sup> **D219/548**, Written Record of Interview of Witness Ing Oeum, 7 October 2015, ERN 01193235-01193237, A19-A23, A29-A30; **D219/549**, Written Record of Interview of Witness Ing Oeum, 8 October 2015, ERN 01178544, A35, ERN 01178546, A45. *See also* **D219/577**, Written Record of Investigative Action, 10 October 2015, ERN 01166373, A3-A6.





centre chief, Saran, telling him that “*Ta Tith was a new committee member*”.<sup>1905</sup> When shown a photograph of **Yim Tith** dated January 2011, Vor Ruom was unable to recognise him,<sup>1906</sup> but considering the significant time period between DK and the date of the photograph, and that he was told who **Yim Tith** was by the security centre chief, his failure to identify **Yim Tith** in the photograph does not materially affect the reliability of his evidence.

719. There is evidence from several witnesses that **Yim Tith** attended meetings, albeit not at the Security Centre, in nearby locations; it is not possible to deduce with the necessary certainty from that evidence whether he would also have gone to the security centre on those visits.<sup>1907</sup>

#### 5.5.2.5 Khngang Kou Security Centre

##### *Location and establishment*

720. Khngang Kou Security Centre was located in Bay Damram Commune, Sangkae District (now Banan), Sector 1 of the Northwest Zone.<sup>1908</sup> It was on the east bank of Stueng Sangkae (Sangkae River), opposite Banan Security Centre, approximately 50 metres from the river bank.<sup>1909</sup>

<sup>1905</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305925-01305926, A47-A49, A51-A52.

<sup>1906</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305926, A58.

<sup>1907</sup> **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519, A75-A76; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216247, A40-A43; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156944, A30, A32-A33, ERN 01156947, A44, A46; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173581-01173582, A48-A51, ERN 01173583, A57, ERN 01173586-01173588, A72-A75, A77, A79-A80, A82.; **D219/953**, Written Record of Interview of Witness Chhoeung Chhoeurt, 17 March 2017, ERN 01451712, A16, A19, ERN 01451716, A56, ERN 01451717, A59, A62-A63, A65-A66, A69; **D105/8**, Written Record of Interview of Witness Han Thy, 20 March 2012, ERN 00803455, A7, A9, ERN 00803456, A13, A18, ERN 00803457, A27; **D118/63**, Written Record of Interview of Witness Han Thy, 25 May 2013, ERN 00945852-00945853, A29, A31.

<sup>1908</sup> **D219/273**, Site Identification Report, 24 April 2015, ERN 01088891; **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081753, A59; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921, A15, A17; **D219/516**, Written Record of Interview of Witness Yon Han, 19 September 2015, ERN 01166151, A2.

<sup>1909</sup> **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721, A3, ERN 01044724, A14; **D219/410**, Written Record of Interview of Witness Hoeum Chhongly, 6 July 2015, ERN 01142896, A26; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044712, A15; **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066835, A4-A5; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178481, A68, ERN 01178498-91178499, A155; **D219/273**, Site Identification Report, 24 April 2015, ERN 01088894.



721. Khnang Kou Security Centre was established by mid-1976 and continued operating until the end of DK.<sup>1910</sup>
722. The exact size of the security centre compound is unclear; evidence fluctuates between 100 to 200 metres in length and about 60 to 100 metres in width; it was surrounded by bamboo fences and barbed wire.<sup>1911</sup> There were two gates: one on the West facing the river, and one on the East.<sup>1912</sup> The prison had a detention hall made of timber and zinc sheets, measuring approximately 50 x 20 metres, a dining hall, a small interrogation building, a warehouse, and sleeping quarters for staff.<sup>1913</sup> Near the prison, there were corn and vegetable plantations.<sup>1914</sup> A lake and fields 600 metres east of the prison were used as mass graves.<sup>1915</sup>

<sup>1910</sup> **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066835, A5-A6; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721, A3; **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142897, A29, ERN 01142900, A38; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044708-01044709, A3; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178499-01178500, A156, A159; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970438, A28-A29; **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135130, A30, A32; **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066852-01066853, A3; **D219/90**, Written Record of Interview Witness Koch Rien, 26 November 2014, ERN 01081752, A53; **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975001, A78; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156941, A20, ERN 01156947, A44-A45. *Contra* **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151246, A12, ERN 01151250-01151251, A41-A45, ERN 01151255, A73.

<sup>1911</sup> **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092926, A3-A4; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044709, A4; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A4; **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066836, A8. *See also* **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013, ERN 00975001, A76.

<sup>1912</sup> **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044712, A16; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044724, A15.

<sup>1913</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066854, A9; **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092925, A2, ERN 01092927, A17; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044709, A4; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A4; **D118/138**, Written Record of Interview of Witness Tiep Tith, 2 November 2013, ERN 00970095, A16; **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066836, A8.

<sup>1914</sup> **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142897, A29; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A4.

<sup>1915</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142900, A39, ERN 01142902, A43; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A4-A5; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044709-01044710, A5, ERN 01044712, A15; **D219/988**, Written Record of Investigation Action of June 2017, ERN 01489858.



*Structure and personnel*

723. Khnang Kou Security Centre was at first controlled by the Sangkae District military, but at some point moved to sector level control.<sup>1916</sup> Suom was the chief of Khnang Kou Security Centre until late 1978.<sup>1917</sup> From late 1977, Southwest Zone cadres gradually replaced most of the Northwest Zone cadres at the security centre.<sup>1918</sup>

*Arrests*

724. Following the Southwest Zone cadres' arrival in Sangkae District, incumbent Northwest Zone cadres were arrested and, at least some of them, including former security centre personnel, were subsequently detained at Khnang Kou Security Centre.<sup>1919</sup> Two of Ta Paet's nephews were also detained there.<sup>1920</sup>

725. New detainees arrived frequently.<sup>1921</sup> The inmate population of around 100 detainees included persons accused of stealing food and former Northwest Zone cadres as well as

<sup>1916</sup> **D219/545**, Written Record of Interview of Witness Phar Pet, 4 October 2015, ERN 01178534, A43-A45. See also District level: **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305923, A28; **D118/135**, Written Record of Interview of Witness Chhom Youn, 29 October 2013, ERN 00970438, A31; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044711, A13; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156942, A22. See also Sector level: **D219/390**, Written Record of Interview of Witness Hang Suom, 21 June 2015, ERN 01130578, A28; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044724, A12; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178501, A167, ERN 01178502, A170.

<sup>1917</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066852, A2; **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092927, A15; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178499-01178500, A159, ERN 01178501, A165, ERN 01178508, A212. See also **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061174, A15.

<sup>1918</sup> **D219/545**, Written Record of Interview of Witness Phar Pet, 4 October 2015, ERN 01178534-01178535, A47-A48; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156942, A24, ERN 01156949, A54. Northwest Zone: **D219/156**, Written Record of Interview of Witness Kim Chat, 21 January 2015, ERN 01066835, A6; **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142896-01142897, A26, A29. Southwest Zone: **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044725, A17. See also **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A4.

<sup>1919</sup> **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142901, A40, ERN 01142902, A42; **D219/90**, Written Record of Interview of Witness Koch Rien, 26 November 2014, ERN 01081755-01081756, A73-A79; **D219/464**, Written Record of Interview of Witness Tiep Tith, 19 August 2015, ERN 01151255, A77-A78, ERN 01151257, A89-A90; **D118/102**, Written Record of Interview of Witness Toit Thoern, 10 September 2013, ERN 00974034-00974035, A104, A106; **D118/295**, Written Record of Interview of Witness Sum Voet, 23 August 2014, ERN 01044711, A11; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 01156942, A24, ERN 01156949, A54; **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305924-01305925, A40; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178499, A156, A159.

<sup>1920</sup> **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969647, A71.

<sup>1921</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066854, A71. **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178501, A167.



their family members, and people transferred from Kang Hort Dam.<sup>1922</sup> In mid-1978, detainees still held at Banan Security Centre were transferred to Khnang Kou Security Centre.<sup>1923</sup>

### *Conditions of detention*

726. Men and women were shackled by their legs in rows, separated by a cloth curtain.<sup>1924</sup> Detainees were forced to work all day, clearing vegetation or growing crops and vegetables in the vicinity of the security centre. They also had to carry bodies of detainees who had died or been killed, and help bury them.<sup>1925</sup>
727. Detainees were emaciated; food rations were insufficient.<sup>1926</sup> Hungry detainees who had been brought to the river to bathe tried to pick up food waste which had been discarded by the kitchen staff, but were threatened by the guards not to do so.<sup>1927</sup>
728. Although people died as a result of these conditions,<sup>1928</sup> no medical assistance was provided, with rare exceptions in cases of particular hardship, such as pregnancy.<sup>1929</sup>

<sup>1922</sup> Number of prisoners: **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D219/797**, Written Record of Interview of Witness Dos Doeurn, 16 July 2016, ERN 01337069, A113; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173590, A94, ERN 01173591, A97, A100-A101. Categories of prisoners: **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061174, A14; **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066851-01066852, A2; **D219/797**, Written Record of Interview of Witness Dos Doeurn, 16 July 2016, ERN 01337071, A132, A134; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178502, A172; **D219/748**, Written Record of Interview of Witness Srey Soeurn, 20 April 2016, ERN 01251813, A81-A86.

<sup>1923</sup> See *Banan Security Centre*, para. 702.

<sup>1924</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D118/295**, Written Record of Interview of Sum Voeut, 23 August 2014, ERN 01044711, A11; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178500, A162; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A3.

<sup>1925</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092926, A6, A8-A11, ERN 01092927, A15; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A3; **D118/295**, Written Record of Interview of Witness Sum Voeut, 23 August 2014, ERN 01044711, A11; **D219/797**, Written Record of Interview of Witness Dos Doeurn, 16 July 2016, ERN 01337071, A131, ERN 01337072, A146, ERN 01337073, A147; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178499-01178500, A159.

<sup>1926</sup> **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092926, A12; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178503, A178-A179; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044723, A7; **D219/797**, Written Record of Interview of Witness Dos Doeurn, 16 July 2016, ERN 01337068, A112, ERN 01337071, A131, ERN 01337072, A146, ERN 01337075, A168.

<sup>1927</sup> **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092926, A13.

<sup>1928</sup> **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092927, A14.

<sup>1929</sup> **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092927, A14; **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066852, A3.



*Interrogations and beatings*

729. Security centre personnel interrogated new arrivals.<sup>1930</sup> It is unclear what degree or kind of mistreatment occurred: although one witness, Vor Ruom, alleges that detainees were suffocated and had their fingernails pulled out during interrogations,<sup>1931</sup> his evidence is not credible because in a separate, informal conversation with an investigator he denied ever going to Khnang Kou,<sup>1932</sup> and unreliable due to significant discrepancies in his testimony with the remainder of the evidence.<sup>1933</sup>
730. There is hearsay evidence that detainees were beaten almost every day;<sup>1934</sup> a former detainee, who did not see any interrogations, states that she heard men on the other side of the dividing cloth curtain shouting for help “*when they were tortured*”.<sup>1935</sup> This would seem to indicate that some form of mistreatment, other than killings, also occurred in the detention hall apart from the interrogation environment, yet its nature and purpose is unclear because no-one saw it directly, and the witness’ characterisation as “*torture*” cannot to be understood in its legal sense.

*Killings*

731. Dos Doeun, who was detained for a month after the Southwest Zone cadres had taken control, often saw guards kill detainees with their gun butts in the southern part of the site.<sup>1936</sup> Through holes in the walls of the detention building, Phoeuk Lam, during her detention in the second half of 1978, saw detainees carrying corpses away every two to three days<sup>1937</sup> to bury them in the fields east of the security centre.<sup>1938</sup>

<sup>1930</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066851-01066852, A2. *See also* **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721, A3.

<sup>1931</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305922-01305923, A25-A26.

<sup>1932</sup> **D219/988**, Written Record of Investigation Action, 5 June 2017, ERN 01489859.

<sup>1933</sup> **D219/751**, Written Record of Interview of Witness Vor Ruom, 28 April 2016, ERN 01305921-01305922, A18, A21-A24.

<sup>1934</sup> **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178501, A165.

<sup>1935</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D219/235**, Written Record of Interview of Witness Phoeuk Lam, 19 March 2015, ERN 01092926, A13, ERN 01092927, A17-A18.

<sup>1936</sup> **D219/797**, Written Record of Interview of Witness Dos Doeun, 16 July 2016, ERN 01337070-01337071, A127-A130, ERN 01337075-01337076, A165-A178.

<sup>1937</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A3-A4, ERN 01066853-01066854, A6-A7. *See also* **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178502, A171.



732. About five days before the arrival of the Vietnamese troops, a local villager, Yon Yoeun, saw more than 30 detainees being taken from Khnang Kou Security Centre towards a nearby rice field, and two days later he discovered what he thought were their corpses.<sup>1939</sup> However, as it is unclear when exactly the Vietnamese troops arrived in the area,<sup>1940</sup> it cannot be excluded that this incident occurred after 6 January 1979.
733. The same applies to a number of other incidents, including mass killings of hundreds of people, close to the arrival of the Vietnamese.<sup>1941</sup>
734. Shortly before the arrival of Vietnamese troops, but after the Khmer Rouge had withdrawn from the area, witnesses Hoem Chhongly and Sum Voeut entered the premises of Khnang Kou. About 600 metres east of the prison, Hoem Chhongly saw many shallow pits on both sides of the path. Each pit contained between two and five corpses. Swollen legs and hands were protruding from the pits. Further away within the lake, the witness saw a pile of several dozen corpses, which looked shrivelled but had not yet decomposed. Some of these corpses had wire tied around the wrists; some showed cuts on their throats; and some looked as though they had been hit to the back of the head. Clubs lay nearby. Between 20 and 50 metres further was a pile of 10 to 15 corpses next to a termite mound. Further afield were yet more smaller pits containing four to 10 corpses each. There were also piles of clothes nearby, many of which were black military uniforms.<sup>1942</sup> Sum Voeut, accompanying Hoem Chhongly, saw hundreds of corpses in a pond, which he estimates was 200 metres east of Khnang Kou Security Centre. He also saw many more pits with four to five corpses, including some children. Some of the corpses had marks where their throats had been slit.<sup>1943</sup>

<sup>1938</sup> **D219/158**, Written Record of Interview of Witness Phoeuk Lam, 26 January 2015, ERN 01066853, A6; **D219/533**, Written Record of Interview of Witness Chhoeung Bean, 24 September 2015, ERN 01178503, A175-A177; **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044723, A7.

<sup>1939</sup> **D219/423**, Written Record of Interview of Witness Yon Yoeun, 17 July 2015, ERN 01135130, A30-A32.

<sup>1940</sup> See *Koas Krala Security Centre*, para. 586.

<sup>1941</sup> **D219/85**, Written Record of Interview of Witness Vy Phann, 18 November 2014, ERN 01061174-01061175, A14-A15, A17, A19; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173590-01173591, A94-A97.

<sup>1942</sup> **D118/296**, Written Record of Interview of Witness Hoem Chhongly, 26 August 2014, ERN 01044721-01044722, A3-A5; **D219/410**, Written Record of Interview of Witness Hoem Chhongly, 6 July 2015, ERN 01142900-01142901, A38-A39, ERN 01142902, A43.

<sup>1943</sup> **D118/295**, Written Record of Interview of Witness Sum Voeut, 23 August 2014, ERN 01044709-01044710, A3, A5.



735. This evidence is corroborated by two other witnesses who made observations after the arrival of the Vietnamese troops.<sup>1944</sup>

736. Considering the above-mentioned uncertainty of the timing of the Vietnamese arrival in the area, and the evidence of mass killings in the days leading up to their arrival, it cannot be excluded that the bodies observed by these witnesses were of victims killed after 6 January 1979. However, given the remaining evidence of killings described above, it is a fair conclusion that deaths occurred both from the general conditions and from direct killings, and that, despite the lack of evidence to support an even approximate calculation of casualties, the killings happened regularly; it is furthermore unreasonable to assume that the killings were focussed solely at the time shortly before the arrival of the Vietnamese.

#### *Visits by Yim Tith*

737. There is no evidence that **Yim Tith** visited Khnang Kou Security Centre, despite indications that he attended meetings in nearby locations.<sup>1945</sup>

#### 5.5.2.6 Kampong Kol Sugar Factory Worksite

##### *Location and establishment*

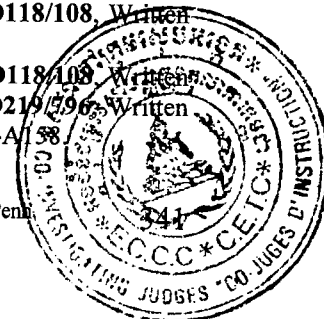
738. Kampong Kol Sugar Factory was located in Kampong Kol Commune, Sangkae District – now Banan District – in Sector 1.<sup>1946</sup> According to the Site Identification Report prepared following a site visit with witness Lim Tim, the factory compound was very large and consisted of 11 buildings, including a hospital<sup>1947</sup> – although one civil party

<sup>1944</sup> **D118/149**, Written Record of Interview of Witness Ham Sorm, 20 November 2013 ERN 00975001-00975002, A78-A80; **D219/698**, Written Record of Interview of Witness Dos Doeun, 25 February 2016, ERN 01213449, A29, ERN 01213451, A59-A62; **D219/797**, Written Record of Interview of Witness Dos Doeun, 16 July 2016, ERN 01337060-01337061, A53-A54, ERN 01337075-01337076, A165-A178, ERN 01337078-01337079, A195-A199; **D219/986**, Written Record of Interview of Witness Dos Doeun, 27 May 2017, ERN 01519572, A20; **D219/988**, Written Record of Investigation Action, 6 June 2017, ERN 01489857-01489860; **D219/988.1**, Annex: Photos of Kou Kandal Killing Site, ERN 01489854-01489856; **D219/538**, Written Record of Interview of Witness Soeun Mat, 8 October 2015, ERN 01173591, A97-A102.

<sup>1945</sup> See *Banan Security Centre*, para. 719.

<sup>1946</sup> **D219/274**, Site Identification Report, 24 April 2015, ERN 01088905; **D1.3.22.2**, CPK Magazine entitled: “Revolutionary Youth”, Special Issue, April 1976, 20 November 2008 (filing date), ERN 00392458; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207430, A8; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976920-00976921, A2.

<sup>1947</sup> **D219/274**, Site Identification Report, 24 April 2015, ERN 01088907-01088908. See also **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976918-00976931; **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485099-01485101, A147-A158.



applicant opines that the only hospital was in the provincial town.<sup>1948</sup> There were four other buildings about half a kilometre to the north, which housed Chinese workers and technical advisors.<sup>1949</sup> Individual witnesses give different estimates of the number of the buildings<sup>1950</sup> but that discrepancy is not entirely surprising because as in many other sites workers were very likely not allowed to roam freely and may thus not have seen all the buildings; it is also ultimately irrelevant to the determination of the charges. Nor is the evidence on the work force in the factory uniform, with estimates ranging from 30 or 70<sup>1951</sup> to 100<sup>1952</sup> in total to 100 workers in each of four shifts, with some at least working two shifts of five to six hours per day<sup>1953</sup> – i.e. a minimum 200 in total – or even 300-400 overall<sup>1954</sup> working in the factory proper, while there is consensus that thousands or even tens of thousands worked outside in the sugarcane plantations.<sup>1955</sup> The factory was in operation until the end of DK, and people were sent to work there from at least 1976.<sup>1956</sup>

### *Structure and personnel*

739. Under Northwest authority, Ta Met was the chairman of the factory's committee; Ta Nob was the deputy chairman; and Ta Bav was a member.<sup>1957</sup> They were all removed

<sup>1948</sup> **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057828, A45.

<sup>1949</sup> **D219/274**, Site Identification Report, 24 April 2015, ERN 01088907-01088908. *See also* **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976918-00976931.

<sup>1950</sup> **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077049, A4; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057829, A48-A50, ERN 01057854, A235-A236; **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066844, A4; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492932, A33, A35-A36.

<sup>1951</sup> **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485093, A96; **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066844, A5.

<sup>1952</sup> **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057830, A53.

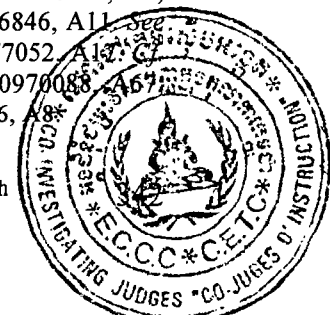
<sup>1953</sup> **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077049, A5-A6.

<sup>1954</sup> **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492932, A33, A37.

<sup>1955</sup> **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066844, A6; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077049, A5; **D219/656**, Written Record of Interview of Witness Pol Sot, 20 January 2016, ERN 01207538, A28.

<sup>1956</sup> **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077048, A2; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057823, A10; **D219/652**, Written Record of Interview of Witness Luom Nhanh, 18 January 2016, ERN 01207481, A5-A6; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492936, A67-A70.

<sup>1957</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922, A8; **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066846, A11; *also* **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077052, A10; **D118/137**, Written Record of Interview of Witness Chhorn Vorn, 31 October 2013, ERN 00970088, A10; **D219/237**, Written Record of Interview of Witness Chhorn Vorn, 24 March 2015, ERN 01092936, A10.





from their positions in late 1977, later arrested or disappeared (along with Nob and Bav's families), and replaced with the Southwest Zone cadres Yan, who became head of the factory, and Sari, the female deputy head.<sup>1958</sup> Evidence on the gender of Yan is not conclusive, with some stating that Yan was a woman.<sup>1959</sup> Yan was eventually accused of being a traitor and arrested; however, Sari was allowed to keep her position, at least initially, before also disappearing;<sup>1960</sup> Southwest Zone cadres Eung and Phin took Yan's place.<sup>1961</sup> Although one witness speculates that the site was "probably" under Centre control, his basis for this is that Ta Mok attended meetings there, along with Zone level personnel;<sup>1962</sup> in another interview he says it "might have been" under Zone control.<sup>1963</sup> His evidence is therefore insufficient to conclude one way or another, while the preponderance of the evidence does not support the conclusion that it was under Centre control.

### *Killings and disappearances*

740. Evidence on killings is sparse and often unspecific. A number of witnesses and civil party applicants state that they never saw killings or even mistreatment of anyone, especially in the factory compound.<sup>1964</sup> No witnesses state that they did, although Prak Soeun recalls Eung threatening workers that they would be killed if they were

<sup>1958</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922-00976923, A5-A6, A8-A11. See also **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066846, A11; **D118/106**, Written Record of Interview of Witness Huon Choem, 22 September 2013, ERN 00978419, A12; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077052, A16-A17; **D219/656**, Written Record of Interview of Witness Pol Sot, 20 January 2016, ERN 01207535, A3, ERN 01207537, A20; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057834, A86-A88; **D219/825.1.2**, OCIJ S-21 List, 13 September 2016 (filing date), ERN 01222597, n. 6835.

<sup>1959</sup> **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057832, A73-A76, ERN 01057837, A112; **D118/106**, Written Record of Interview of Witness Huon Choem, 22 September 2013, ERN 00978419, A12, ERN 00978420, A16, A18.

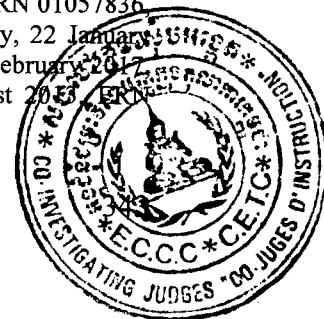
<sup>1960</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922-00976923, A8, A10, ERN 00976925, A19-A20; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207434, A26-A28; **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485084-01485085, A31-A36, ERN 01485089-01485090, A77-A78.

<sup>1961</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976925, A21; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492933, A38.

<sup>1962</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922, A7.

<sup>1963</sup> **D219/649**, Written Record of Interview of Witness Lim Tim, 12 January 2016, ERN 01207431, A13.

<sup>1964</sup> **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077050, A7; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057836, A104, ERN 01057838, A115; **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066845, A8; **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492933, A46; **D118/87**, Written Record of Interview of Witness Tep Sien, 13 August 2015, ERN 00976978-00976979, A67-A69.



disloyal.<sup>1965</sup> There is generic evidence from some witnesses that people disappeared and were never seen again<sup>1966</sup> but some had no knowledge of that, either.<sup>1967</sup>

741. In particular, there is no reliable evidence that Vietnamese were kept at the site despite testimony by a number of witnesses regarding the fact that Khmer Krom and Vietnamese faced arrest anywhere as soon as their identity was found out.<sup>1968</sup> Some saw no discrimination of the Khmer Krom in particular, certainly not at the factory and possibly not even across DK in general;<sup>1969</sup> an automatism that they were killed once found out is rejected by one witness.<sup>1970</sup> Civil party applicant Sam Leng categorically rules out the presence of Vietnamese at the factory,<sup>1971</sup> while Lim Tim's testimony about one incident of an arrest of Khmer Krom *and* Vietnamese is unclear: he states that after a meeting chaired by **Yim Tith** in Battambang in early to mid-1978, and after Yan's arrest around mid-1978, arrests of Khmer Krom and Vietnamese began.<sup>1972</sup> In his first statement, he alleges that he saw around 60 people being arrested by guards under the command of Eung and Phin; they were briefly held in a hall beside a house that the witness "*protected*" and then taken away by trucks, which returned in the morning with only clothes, presumably those of the people taken away.<sup>1973</sup> However, the witness also

<sup>1965</sup> **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492933-01492934, A46-A49.

<sup>1966</sup> **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066845, A8; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057836, A104, ERN 01057838, A115; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077050, A7.

<sup>1967</sup> **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492934, A53-A54; **D219/652**, Written Record of Interview of Witness Luom Nhanh, 18 January 2016, ERN 01207482, A12-A13.

<sup>1968</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978427, A58; **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485105, A189; **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066847-01066848, A16; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976928, A48-A50, ERN 00976929, A53-A54.

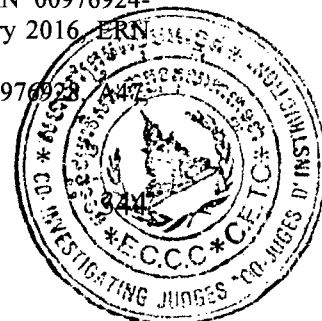
<sup>1969</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00978427, A58; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207445, A93; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969649, A81; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077054, A26; **D219/652**, Written Record of Interview of Witness Luom Nhanh, 18 January 2016, ERN 01207482, A10-A11; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057838, A121-A122.

<sup>1970</sup> **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485105, A189.

<sup>1971</sup> **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057839, A126.

<sup>1972</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924-00976925, A18-A19; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207436-01207437, A39-A42.

<sup>1973</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976928, A47; ERN 00976929, A51-A52.



said he was generally in charge of providing security for the Chinese workers and advisers, was the security chief of the messenger unit, and sometimes also provided security for Yan and Sari;<sup>1974</sup> he does not mention any particular house he “*protected*” in the remainder of his statements, and it can be excluded that this took place at the location where the Chinese lived, and while he may be referring to a building in which Yan and Sari lived, that would jar with the statement that he provided security for them only occasionally. In his second statement, he specifies that the arrest happened at midnight and that the trucks came back at 5 am.<sup>1975</sup> It is also unclear whether this incident is the same as the one the witness specifies as happening about three months before the Vietnamese arrived in Kampong Kol commune, which he puts at “*probably in February 1979*”.<sup>1976</sup> If it is the same incident, as suggested by the reference in the second statement to the hall where they were held as being within the compound,<sup>1977</sup> the testimony becomes even more problematic: whereas in his first statement he spoke of two trucks of about 30 *Khmer Krom* each being taken away, not mentioning any Vietnamese,<sup>1978</sup> he first revises the estimate to two trucks of about 50 people fully loaded,<sup>1979</sup> and then goes on to state that one truck was loaded with workers, the other with soldiers.<sup>1980</sup> The reason for the arrest was that the people had Vietnamese or “*Yuon connections*”.<sup>1981</sup> The description of the people arrested was that they had a fair complexion and spoke “*broken Khmer*”, who are referred to in the WRI as Vietnamese, or used the Kampuchea Krom dialect with a Vietnamese accent, who are referred to as *Khmer Krom*.<sup>1982</sup> It is nonetheless unclear, against the entirety of the evidence, whether and to what extent Lim Tim actually refers merely to *Khmer Krom* or to Vietnamese as well.<sup>1983</sup> His evidence on the matter is ultimately too unreliable to base any specific conclusions on regarding the identity or number of the alleged victims.

<sup>1974</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976921-00976922, A4-A5; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207431, A10.

<sup>1975</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207444, A86-A87.

<sup>1976</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976928, A48-A50.

<sup>1977</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207443, A83-A84.

<sup>1978</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976929, A52.

<sup>1979</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207443, A80.

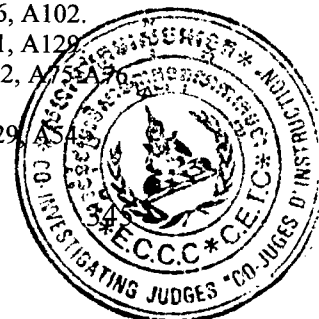
<sup>1980</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207446, A102.

<sup>1981</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207451, A129.

<sup>1982</sup> **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207442, A152-153.

ERN 01207443, A82.

<sup>1983</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976929.



742. Additional evidence that, in 1978, people from the factory were arrested every two or three days is equally vague and in part contradictory. Witness Khay Chhauy explained in his first statement that sometimes the number of people would be so high that they had to be detained in the factory administration office before being taken away.<sup>1984</sup> However, his account varies significantly in his second statement, when he first denies ever witnessing any arrests<sup>1985</sup> in the factory, despite previously admitting<sup>1986</sup> that he guarded the persons in the administration office. He then says he witnessed only one incident in 1977, corrects this to 1978,<sup>1987</sup> before ending by testifying that he saw arrests maybe two or three times with only one or two people each time, and that only one family of a father and two children were Khmer Krom, the rest being ordinary Khmer.<sup>1988</sup> The witness also thought that the 10-15 armed guards at the factory before the arrival of the Southwest Zone cadres were arrested and probably killed, but the source of his knowledge is unclear.<sup>1989</sup>

743. The evidence mentioned above about the removal of previous Northwest Zone cadres and their disappearance – with mention of Nob and Met in particular<sup>1990</sup> – coupled with the general inference that these people would most probably have been killed, lends support to the conclusion that killings occurred. While supporting the generic fact of arrests, the evidence is inconclusive as to the number of arrests and victims. Given the low remaining victim count based on these individual statements, it is uncertain whether they are not all or at least in part identical to the bodies listed in the following account by Sam Leng: during his escape from the factory, which he puts in late 1977 or early 1978,<sup>1991</sup> the witness saw about 20-30 dead bodies of all ages about 500 metres from the factory; fresh *and older* corpses had been piled on top of each other, “*scattered and mutilated to bits*”.<sup>1992</sup> It stands to reason, without any other known killing site in the vicinity of the factory, that these were people taken away from the

<sup>1984</sup> D219/157, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066845, A8.

<sup>1985</sup> D219/796, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485088, A62.

<sup>1986</sup> D219/157, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066845, A8.

<sup>1987</sup> D219/796, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485089, A68-A69, A74-A75, ERN 01485090, A78, ERN 01485091, A87.

<sup>1988</sup> D219/796, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485095, A111, A116, ERN 01485096, A120, ERN 01485097, A124-A127.

<sup>1989</sup> D219/157, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066846, A9; D219/796, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485086, A45-A48.

<sup>1990</sup> D219/88, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077052, A17.

<sup>1991</sup> D219/88, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077051, A13-A14.

<sup>1992</sup> D219/89, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057838, A116-A120.



factory and killed nearby; however, the uncertainty of the exact date of his escape and the lack of even a rough estimate of how many bodies were old or fresh do not allow for even an approximate estimate of how many of the bodies could have been “fresh” enough to have been of people killed during Southwest Zone control of the factory.

744. There is some evidence of people falling ill and even dying from malnutrition and not being taken to hospital, but again numbers are unclear,<sup>1993</sup> and there is conflicting evidence to the effect that the food in the factory was actually better than outside but may have become worse after the Southwest Zone took over.<sup>1994</sup> A general policy of starvation of workers cannot be deduced with the required degree of certainty.
745. In sum, while the evidence allows the conclusion that disappearances, and by inference killings, occurred, there is no clarity on casualty numbers beyond the 20-30 bodies seen by Sam Leng. These are, however, themselves not clearly attributable to the Southwest Zone cadres, although it is to be expected that there were more. The numbers given by witness Lim Tim regarding the incident with Khmer Krom/Vietnamese taken away in trucks are unreliable as his testimony varies too widely to base even the minimum count of one truck with 30 people on it. It is entirely unclear how many of those who disappeared were Khmer Krom, beyond the family of three alleged by witness Khay Chhauy.<sup>1995</sup> The balance of the evidence does not allow for the conclusion that any Vietnamese were killed at the factory, either.

#### *Visits by Yim Tith*

746. There is no reliable evidence that **Yim Tith** visited the sugar factory. Witness Lim Tim, who was a guard at the factory, says that **Yim Tith** “never visited the factory.”<sup>1996</sup> This cannot be countermanded by the mere hearsay evidence by witness Huon Choeum about hearing from a Zone soldier that **Yim Tith** “personally led his forces to see the situation at the Kampong Kul white sugar refinery”.<sup>1997</sup> Ta Mok himself was a regular

<sup>1993</sup> **D219/796**, Written Record of Interview of Witness Khay Chhauy, 12 July 2016, ERN 01485101, A160-A161; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057828, A43-A44.

<sup>1994</sup> **D219/157**, Written Record of Interview of Witness Khay Chhauy, 22 January 2015, ERN 01066845, A7, ERN 01066846, A10; **D219/88**, Written Record of Interview of Witness Pol Sot, 23 November 2014, ERN 01077049-01077050, A6.

<sup>1995</sup> See para. 742.

<sup>1996</sup> **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976924.

<sup>1997</sup> **D118/106**, Written Record of Interview of Witness Huon Choeum, 22 September 2013, ERN 00976924, A12.



visitor, although even his dates of attendance cannot be narrowed down more accurately than at several dates during 1978.<sup>1998</sup>

### 5.5.3 Sector 2

#### 5.5.3.1 Phum Veal Security Centre

##### *Location and establishment*

747. Phum Veal Security Centre (“Phum Veal”) was located in Roathel Village, Ta Lou Commune, Bakan District, Pursat Province, Sector 2 of the Northwest Zone.<sup>1999</sup> Witnesses also refer to it as the Veal Village Prison.<sup>2000</sup>

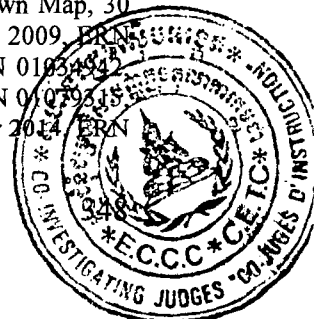
748. Its compound, measuring three hectares, comprising several wooden buildings used as soldiers’ barracks, dining halls, and detention buildings surrounded by barbed wire. Evidence is inconclusive as to the number and the size of the detention buildings, varying from three to 13, including at least one long building four to five metres wide and uncertain length, and a number of smaller buildings three to four metres wide and 15 to 60 metres in length.<sup>2001</sup> The site was surrounded by rice fields and forest. No buildings of the security centre remain today.<sup>2002</sup>

<sup>1998</sup> **D219/931**, Written Record of Interview of Witness Prak Soeun, 21 February 2017, ERN 01492932, A31-A33, ERN 01492933, A40; **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976922-00976923, A8, ERN 00976924-00976925, A17-A19, ERN 00976926, A27; **D219/649**, Written Record of Interview of Witness Loem Tim, 12 January 2016, ERN 01207434-01207435, A30-A31.

<sup>1999</sup> **D118/11**, Site Identification Report of Phum Veal Prison Site, 17 January 2013, ERN 00882686; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057843, A161; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875, A13; **D219/222**, Written Record of Interview of Witness Touch Seng alias Yeay Yan, 11 March 2015, ERN 01088589-01088590, A191-A192. *See also* note 2011.

<sup>2000</sup> *See e.g.* **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031800, A138, A142; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057826, A29; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976586, A29.

<sup>2001</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975879, A53-A54; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976596, A98, ERN 00976599; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975897-00975898, A109-A110; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040571-01040572, A111-A112; **D219/57/1**, Kong Run alias Kong Sarun Hand-Drawn Map, 30 October 2014, ERN 01132670. *See also* **D5/61**, Civil Party Application of Thoek Yoeun, 11 July 2009, ERN 00427012; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01057844, A93-A94; **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079107, A17. *Cf.* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040571-01040572, A111-A112.



749. Phum Veal was established by late 1976, possibly earlier; it operated until the arrival of the Vietnamese troops in 1979.<sup>2003</sup>

### *Structure and personnel*

750. Phum Veal was operated by the Bakan District military.<sup>2004</sup> District military cadres Neou, Tân, and Ol were in charge of Phum Veal until they were removed.<sup>2005</sup> At some point from late 1976 to 1977, Southwest Zone cadres Chhin, Kan, and Un Aun, replaced former local cadres as chairmen, chiefs or deputy chiefs of the security centre.<sup>2006</sup> Former detainees also name Chhin, Kân and Kan as interrogators and Tân,

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01040569, A95, ERN 01040570, A102, ERN 01040572, A112 (stating that the “office” was not fenced but seems to refer to a building outside the compound itself).

<sup>2002</sup> **D118/11**, Site Identification Report of Phum Veal Prison Site, 17 January 2013, ERN 00882686; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388622; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040572, A113, A115; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975897, A109. *See also* **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976596, A99; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875, A16, ERN 00975879, A57, ERN 00975881, A69.

<sup>2003</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976586, A28-A29; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040560, A34, ERN 01040562, A45; **D118/238**, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040480, A102; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A40, A42; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 1 October 2009, ERN 00388620, ERN 00388622; **D219/89**, Written Record of Interview of Civil Party Applicant Sam Leng, 25 November 2014, ERN 01057826-01057827, A29, A33, ERN 01057844, A163-A166.

<sup>2004</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A28-A30, ERN 01040560, A32, A34-A35, ERN 01040573, A120-A122; **D219/921**, Written Record of Interview of Witness Chap Puth, 12 February 2017, ERN 01451435, A118-A119; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251824, A72. *See also* **D219/222**, Written Record of Interview of Witness Touch Seng alias Yeay Yan, 11 March 2015, ERN 01088587, A161; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185842, A121; **D118/70**, Written Record of Interview of Witness Sek Sam At, 16 January 2014, ERN 00980012, A126; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975874, A11, ERN 00975880, A65-A67; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976596, A98, ERN 00976597, A106; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975897-00975898, A109; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975879, A53.

<sup>2005</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A29-A30, ERN 01040568, A90, ERN 01040574, A127-A130; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088598, A58-A59, ERN 01088602, A95. *See also* **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106446, A161; **D219/556**, Written Record of Interview of Witness Kep Pov, 23 October 2015, ERN 01178654-01178655, A21-A35, ERN 01178656, A40-A42.

<sup>2006</sup> **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088598, A58; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040561, A43, ERN 01040564, A66-A67, ERN 01040568, A90, ERN 01040571, A109, ERN 01040573, A120; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A54, ERN 00976593, A75; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab



Thol, Kân and Pong as executioners or torturers.<sup>2007</sup> Kong Sarun, former Bakan military cadre stationed at Phum Veal over 1978, states that three groups of 12 soldiers worked at Phum Veal.<sup>2008</sup> One former prisoner recalls that four to five armed soldiers guarded the prison at night.<sup>2009</sup>

751. The Phum Veal military cadres reported to the Bakan District Committee,<sup>2010</sup> itself under the authority of Sector 2.<sup>2011</sup> It appears that major orders, including those for killings, would initiate there: witness Kong Sarun observed that “*whenever there was a*

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Khuong, 30 September 2009, ERN 00387495; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975889, A37-A38, ERN 00975891-00975892, A53-A55; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620; **D118/123**, Written Record of Interview of Civil Party Applicant ThoeK Yoeun, 8 October 2013, ERN 00975874-00975875, A12. *See also* **D118/238**, Written Record of Interview Witness Kol Set, 16 May 2014, ERN 01040472-01040473, A46-A49. *Contra* **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031802-01031803, A153-A158.

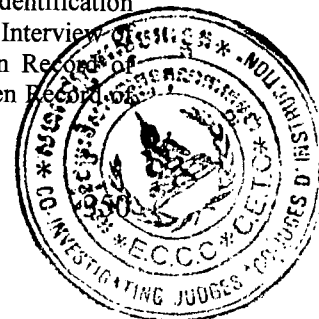
<sup>2007</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620-00388621; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040573, A123-A124; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975892, A56-A59; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A58, ERN 00976593, A75. *Cf.* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040574-01040575, A131-A133.

<sup>2008</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040557-01040558, A16-A18, ERN 01040559, A27, A29-A30, ERN 01040560, A32, A35, ERN 01040567, A86, ERN 01040568, A90, ERN 01040573, A120-A122. *See also* **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527102-00527103.

<sup>2009</sup> **D118/123**, Written Record of Interview of Civil Party Applicant ThoeK Yoeun, 8 October 2013, ERN 00975880, A67.

<sup>2010</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040561, A38; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088598, A60; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185842, A117-A118; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106446, A163; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251824, A70-A72. *See also* **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031801-01031802, A146-A151; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976597, A105; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567-01365568, A98-A107; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040579, A166.

<sup>2011</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A31, ERN 01040562, A46; **D118/1**, Written Record of Interview of Witness Uk Soeum alias San Soeum, 14 December 2012, ERN 00876120-00876121, A20-A26; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440, A111-A112, ERN 01106442, A131; **D118/170**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 16 January 2014, ERN 00980010, A98-A99; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364080-01364081, A71-A77, A83, ERN 01364082, A89, ERN 01364083, A106-A107; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365558, A7, ERN 01365559, A14, A16, ERN 01365560, A19-A20, A27, ERN 01365561, A42; **D118/11**, Site Identification Report of Phum Veal Prison Site, 17 January 2013, ERN 00882685; **D118/123**, Written Record of Interview of Civil Party Applicant ThoeK Yoeun, 8 October 2013, ERN 00975875, A13; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747, A30-A31; **D118/273**, Written Record of Interview of Witness YTNget alias Yi Chhut, 9 July 2014, ERN 01035040, A101, A104-A105.





*plan, prison chiefs were called to a meeting at the district. Upon prisoner chiefs' return, killings took place".*<sup>2012</sup>

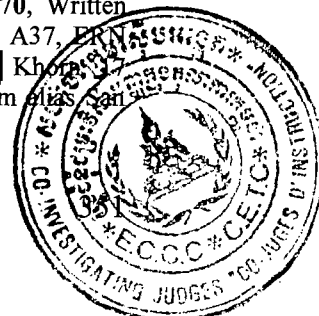
752. Over the course of DK, several changes of personnel occurred within Bakan District: Tauy served on the District Committee from 1975 until his arrest in late 1976 or early 1977; Southwest Zone cadres Yeay Ren, Yan (both subsequently removed),<sup>2013</sup> and Yeay Rim took over the Committee sometime in 1977.<sup>2014</sup> Pheng from Kampong Chhnang joined Yeay Rim sometime in 1978 until the arrival of the Vietnamese.<sup>2015</sup>

<sup>2012</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040579, A165-A167.

<sup>2013</sup> **Ren: D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A31, ERN 01040561, A39-A40; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185829, A27-A28, A31; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596-01088597, A40; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251821, A38-A39, ERN 01251823, A53-A60. *See also D118/238*, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040469, A23-A26, ERN 01040472-01040473, A46-A49; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031786, A43, ERN 01031787, A46. **Yan: D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185829, A29; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596, A40, ERN 01088597, A48-A49. *Cf. D219/861*, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364077-01364078, A43-A48.

<sup>2014</sup> **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747-01104748, A33-A34; **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185829, A27-A28, A31, ERN 01185830, A36-A38, ERN 01185842, A117; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975895, A82, A84; **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985647, A72-A74; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106446-01106447, A163; **D219/222**, Written Record of Interview of Witness Touch Seng alias Yeay Yan, 11 March 2015, ERN 01088576-01088577, A2, A16-A18, ERN 01088583-01088584, A112-A114, A117-A118; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596-01088597, A40; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A31, ERN 01040561, A39-A40; **D219/758**, Written Record of Interview of Witness Oem Lun, 11 May 2016, ERN 01251821, A38-A39, ERN 01251823, A53-A60. *See also D118/238*, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040469, A23-A26, ERN 01040472-01040473, A46-A49; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031786, A43, ERN 01031787, A46. *Cf. D219/869*, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567, A99, ERN 01365568, A107; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364079, A59-A60; **D118/170**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 16 January 2014, ERN 00980004-0980005, A32, A36-A38; **D118/125**, Written Record of Interview of Civil Party Applicant of Chab Khuong, 10 October 2013, ERN 00976588, A43, ERN 00976589, A50; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 19 December 2014, ERN 01047773, A43-A44.

<sup>2015</sup> **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596, A40-A41, ERN 01088597, A43, A52, ERN 01088598, A54; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567, A99, ERN 01365568, A107; **D118/170**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 16 January 2014, ERN 00980005, A37, ERN 00980007, A66, ERN 00980010, A95; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106446, A163; **D118/1**, Written Record of Interview of Witness Uk Soeum alias San Soeum, 14 December 2012, ERN 00876120, A17, ERN 00876121, A28.



*Arrests and detention*

753. People were sent to Phum Veal following their arrests in cooperatives by DK soldiers or militiamen; whole families were arrested together.<sup>2016</sup> Many prisoners did not know the reasons for their arrest.<sup>2017</sup>
754. Phum Veal detainees were civilians and DK cadres accused of having committed mistakes or regarded as moral offenders, thieves, people with connections to the Khmer Republic, including family members of former Lon Nol soldiers, and “traitors”.<sup>2018</sup> The prison population included elderly, men, women, and children, ‘new’ and ‘base’ people, Khmer Krom, and other ethnic minorities.<sup>2019</sup> There were also East Zone

<sup>2016</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A40-42, A45; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040569, A97, A99, ERN 01040573, A118; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D118/238**, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040480, A101. *See also* **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031800, A138-A140, ERN 01031801, A143, A147, ERN 01031802, A152 (indicating that Bakan District sent messenger to arrest people).

<sup>2017</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975874, A11. *See also* **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So 9 October 2013, ERN 00975890, A41. *Cf.* **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620; **D5/147**, Civil Party Application of Kim So, 28 October 2008, ERN 00384366.

<sup>2018</sup> **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985645, A57; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040573, A119; **D118/273**, Written Record of Interview of Witness Yi Nget alias Yi Chhut, 9 July 2014, ERN, 01035039, A94-A96; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A41; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106447, A166; **D118/125**, Written Record of Interview of Civil Party Applicant of Chab Khuong, 10 October 2013, ERN 00976588, A43, ERN 00976589, A52, ERN 00976590, A57; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496.

<sup>2019</sup> **Others: D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 1 October 2009, ERN 00388621; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040568-01040569, A94-A96, ERN 01040570, A103-A104; **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985643, A44, ERN 00985644, A54; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, alias Nget Vuth, 23 April 2014, ERN 01055749, A34-A35; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A45, ERN 00975893, A61, ERN 00975898, A111; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891, A49. *See also* **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986182, A43-A47, ERN 00986183, A52-A53. **Khmer Krom: D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986183, Q55, A57; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976593, A77, ERN 00976597, A112; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975879, A56, 00975880, A60; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034941, A89. *See also* **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620. *Cf.* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040570, A105; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213366, A74, A78; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106447, A166.



Evacuees from Prey Veng and Svay Rieng Provinces who transited via the security centre or were detained very shortly before being killed.<sup>2020</sup>

755. There is inconsistent evidence regarding the number of detainees at Phum Veal. For the period from mid-1977 onwards, former prisoners' estimates of inmate numbers oscillate between hundreds (from 100 to 700) and thousands (from 2,000 to 10,000) with a constant flow of detainees arriving and leaving.<sup>2021</sup> One witnessed "hundreds" of prisoners over his one-month detention in mid-1977 alone; another one, detained from mid-1977 until the end of DK, estimates that there were 700 detainees when he first arrived and witnessed new prisoners coming in "all the time" as others were removed; yet another one detained for three years states that new prisoners were brought in every day. Former Bakan District cadre Yan claims that there were only 10 prisoners when she visited in 1977.<sup>2022</sup> Given that it highly conflicts with the remainder of the evidence and that Yan may have had a personal interest in minimising the number of detainees within Bakan, her evidence is considered unreliable on this point. Kong Sarun states that 30 detainees worked outside the security centre. However, he did not know how many were inside and alleges that this number evolved and could have reached "hundreds over a long period of time" as prisoners were sent in and out; his account is thus a mere estimate and hence less reliable, including because, as a cadre, he may also have had reasons to minimise the number of detainees.<sup>2023</sup>

**D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A48, ERN 00985645, A61.

<sup>2020</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975893, A61-A67; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621-00388622; **D118/125**, Written Record of Interview Witness Chab Khuong, 10 October 2013, ERN 00976590-00976592, A61, A67-A68. *See also* **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496. *Contra* **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A48, ERN 00985645, A61, ERN 00985646, Q&A67.

<sup>2021</sup> **Hundreds: D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A48, A52-A53, ERN 00985646, Q&A67; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975879, A55-A56; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620 *corrected in* **D118/124**, Written Record of Interview of Civil Party Applicant, Kim So, 9 October 2013, ERN 00975890, A40, A43, A45. *See also* **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527101. **Thousands: D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976591, A61.

<sup>2022</sup> **D219/222**, Written Record of Interview of Witness Touch Seng alias Yeay Yan, 11 March 2015, ERN 01088583, A110, ERN 01088585, A135, ERN 01088587, A159-A160, ERN 01088589, A176.

<sup>2023</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040567, A86, ERN 01040568, A89, ERN 01040569-01040570, A97-A102, ERN 01040571, A110.



756. While Rim's messenger states that Yeay Rim ordered the release of some prisoners,<sup>2024</sup> the absence of corroborating evidence from former inmates in this respect undermines the credibility of this account.

### *Conditions of detention*

757. Detention conditions at Phum Veal varied regarding light and serious offenders, kept separate, with the former allowed to stay outside of the detention building and the latter detained inside the building,<sup>2025</sup> and shackled by their legs at night.<sup>2026</sup> At one point in mid-1977 the prison was so overcrowded that some prisoners had to sleep under trees.<sup>2027</sup> A former detainee recalls being freed from her shackles only when she needed to relieve herself.<sup>2028</sup> Evidence is inconclusive as to whether female and male prisoners were detained separately or together, or whether inmates were sitting back to back in rows.<sup>2029</sup>

758. Most were forced to work; the majority in the rice field, when they were under the surveillance of armed guards and under threat of being killed.<sup>2030</sup>

<sup>2024</sup> **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185842, A116-A119.

<sup>2025</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975897-00975898, A109; **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976596, A98; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034942, A93-A94; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040571, A110.

<sup>2026</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040571-01040572, A110-A112; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975880, A64; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620; **D118/125**, Written Record of Interview of Civil Party Applicant of Chab Khuong, 10 October 2013, ERN 00976590, A55, ERN 00976592, A70; **D219/842**, Written Record of Interview of Witness Lam Savuon, 5 October 2016, ERN 01485116, A83; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975898, A110. *See also* **D219/222**, Written Record of Interview of Witness Touch Seng alias Yeay Yan, 11 March 2015, ERN 01088587, A161, ERN 01088588, A174; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034942, A95.

<sup>2027</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A43.

<sup>2028</sup> **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A47-A49.

<sup>2029</sup> *Separately*: **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040581, A183; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387495. *Together*: **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A54.

<sup>2030</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September



759. Some prisoners were beaten, some twice a day and some with a whip or a stick.<sup>2031</sup> One of them explains that ordinary detainees did not receive such severe punishment but that he was beaten daily because he tried to escape and was accused of being linked to Ta Vanh.<sup>2032</sup>
760. The food, consisting of gruel or a can of rice per day for 40 persons, was severely insufficient.<sup>2033</sup> The sole medicine available were “*rabbit-dropping*” pills.<sup>2034</sup> Prisoners died from starvation, maltreatment, overwork, and illness.<sup>2035</sup>

### *Interrogation and mistreatment*

761. Phum Veal was referred to by witnesses as a “*torture site*”.<sup>2036</sup>
762. Military cadre Kong Sarun stationed at Phum Veal during 1978 states that interrogations started that year.<sup>2037</sup> Yet, he was not at Phum Veal before then and accounts from former detainees demonstrate that interrogations started earlier.

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2009, ERN 00387495; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975874, A11; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040567, A85; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031800, A142. *See also* **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A55; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891, A51.

<sup>2031</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975876, Q23, ERN 00975880, A63; **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985645, A56-A59; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A46; **D5/147**, Civil Party Application of Kim So, 28 October 2008, ERN 00384366; **D5/161**, Civil Party Application of Chab Khuong, 30 October 2008, ERN 00379339-00379340; **D5/61**, Civil Party Application of Thoek Yoeun, 11 July 2009, ERN 00427010. *See also* **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079315, A16.

<sup>2032</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A56-A57, ERN 00976593, A80.

<sup>2033</sup> **D118/216**, Written Record of Interview of Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985644, A55; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975880, A63. *See also* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040582, A184; **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursay, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527101.

<sup>2034</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040582, A184.

<sup>2035</sup> **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079315, A17-A18; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031803, A159; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891, A52. *See also* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040578, A162; **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursay, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527103.

<sup>2036</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981840.  
**D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin alias Krou Heun, 14 March 2014, ERN 00986211, A32.



763. Former prisoner Kim So – a Khmer Krom detainee from July 1977 until the arrival of the Vietnamese – recounts being interrogated for 21 days upon his arrival at Phum Veal; the fact that the witness did not correct the investigator in his second statement when being asked about his arrest in “*September 1977*”<sup>2038</sup> is of no consequence, as in both his first and most recent interview he is consistent about mentioning the month of July 1977.<sup>2039</sup> Interrogators beat him with a stick, wrapped his head in a plastic bag, poured water into the bag to suffocate him, and shocked him with electric wires.<sup>2040</sup> During the interrogations, he was questioned about his accent, his Khmer Krom ethnicity, and his link to the Vietnamese.<sup>2041</sup> During his detention, he saw many prisoners being mistreated in similar ways.<sup>2042</sup>
764. Another former Khmer Krom prisoner, Chab Khuong, was detained from around August 1976 until the end of DK. He recalls being interrogated twice per day by military personnel and asked about his connection with previous Sector Committee Chairman Vanh, and being mistreated until he could no longer walk. While he mentions that not all detainees experienced such severe treatment, he explains that he was beaten, electrocuted, and had water poured onto his head which had been covered with plastic.<sup>2043</sup>

<sup>2037</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040559, A28-A29, ERN 01040563, A57, ERN 01040567, A86, ERN 01040573, A123.

<sup>2038</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620.

<sup>2039</sup> **D118/124**, Written Record of Interview of Civil Party Applicant, Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A40; **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursay, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527100.

<sup>2040</sup> **D118/124**, Written Record of Interview of Civil Party Applicant, Kim So alias Sung Kim So, 9 October 2013, ERN 00975885, A6, ERN 00975890, A40, A42, A46; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388620.

<sup>2041</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890-00975891, A47 *quoting* **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527101.

<sup>2042</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621. *See also* **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A46, ERN 00975891

<sup>2043</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976588, A43, ERN 00976590, A56-A59. *See also* **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496.



*Killings*

765. Various witnesses describe killing incidents at Phum Veal:

- i. Chab Khuong recounts that, over the course of one day, over 1,000 East Zone Evacuees entered Phum Veal through the western gate and were taken through the eastern gate in groups of ten to Prey Yuk Reservoir, one or two kilometres east of the security centre, where they were killed. His squad of Phum Veal prisoners had previously dug a pond there. While he did not witness the killings, he was assigned to bury stabbed or beheaded corpses that were filling the reservoir, and recognised the East Zone Evacuees by their blue scarves.<sup>2044</sup> While this incident is not dated, the witness stated that killings of East Zone Evacuees at Phum Veal occurred under Southwest Zone cadre Un Aun.<sup>2045</sup> While Un Aun arrived sometime in 1977,<sup>2046</sup> evidence shows that East Zone Evacuees were evacuated to Pursat in late 1977 and throughout 1978.<sup>2047</sup> This event therefore most likely occurred after late 1977.
- ii. Kim So, who was detained from July 1977 until the end of DK, was assigned to dig pits and bury corpses at the killing site 500 metres from the security centre, where he witnessed Phum Veal personnel killing prisoners, their hands tied behind the back, by hitting them with a stick and cutting their throats.<sup>2048</sup> He also describes killings of East Zone Evacuees. In his first interview, he explains that in January or February 1978 he witnessed a group of 250 men being tied up, after having been invited to eat Vietnamese pancakes, and taken away at night to the killing site near the security centre. Another group of 500 men, women and children taken away during the daytime to a place 700 metres south of Veal Village, when he heard screaming.<sup>2049</sup> In his second interview, he recounts that in

<sup>2044</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976591-00976592, A61-A70; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496.

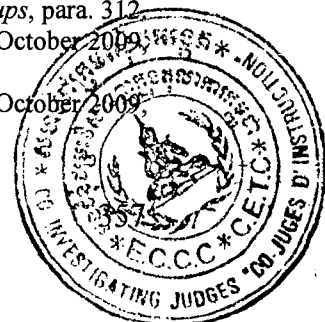
<sup>2045</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A54, ERN 00976591-00976592, A66-A67, ERN 00976593, A76.

<sup>2046</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A54, ERN 00976591, A66-A67, ERN 00976593, A76.

<sup>2047</sup> *See Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, para. 312.

<sup>2048</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621.

<sup>2049</sup> **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621-00388622.



January or February 1979, Aun and Kan arranged the arrest of about 100 to 120 men under the ruse of feeding them Vietnamese pancakes. Tasked to hold the torch during these killings and then bury the victims' bodies, he saw Phum Veal personnel marching East Zone Evacuees to the killing site east of the security centre in small groups of 20 to 30 persons, ordering them to kneel down, hitting their necks with a stick, slitting their throats with a bayonet, disembowelling them, and taking their livers.<sup>2050</sup> He adds that another 300 women and children were killed during the day.<sup>2051</sup> According to Kim So, killings of East Zone Evacuees happened under Kan, the last chairman of the security centre from late 1978 to 1979.<sup>2052</sup> Despite discrepancies regarding dates and numbers,<sup>2053</sup> his two interviews very likely describe the same event. Given that it cannot be excluded that the event relating to the East Zone Evacuees occurred outside of the temporal jurisdiction of the Court, it was not relied upon.

- iii. Former military cadre Kong Sarun, who helped bury corpses, also witnessed killings including one incident of two parents with two children; he corroborates Kim So's account about the manner in which Phum Veal prisoners were killed.<sup>2054</sup> He noted that killings of prisoners intensified in 1978 under Southwest Zone control.<sup>2055</sup>
- iv. Former prisoner Thoek Yoeun describes two specific incidents when, over a period of three days in 1978, he was tied up and marched in a group of about 40 prisoners to a place outside Phum Veal. On the first incident, about a quarter to half of the people were killed, hit to death with bamboo poles or stabbed with

<sup>2050</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891-00975893, A54-A61, A63, A67-A68.

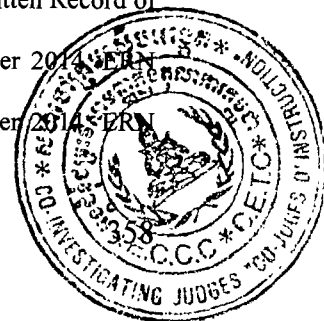
<sup>2051</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975893, A61.

<sup>2052</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891-00975892, A53-A55. *See also* **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursay, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527104.

<sup>2053</sup> Dates: **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975892, A59. Numbers: **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975893, A61, A67; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388621.

<sup>2054</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040575-01040576, A134, A136, A137-A140, A144-A145.

<sup>2055</sup> **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040579, A167.





bayonets; the remainder, including himself, were spared due to the arrival of Ta Mok's messenger who announced that Ta Mok was coming. The second time when killings were happening again, Ta Mok himself arrived and asked the soldiers who was killing the people without his order. The soldiers pointed to the female District Secretary Yan, sitting nearby. According to the civil party applicant, Ta Mok ordered her arrest and to burn the prison down; by this time, around half the group had been killed.<sup>2056</sup> His evidence varies regarding the actual number of casualties during each incident, yet the overall narrative is consistent. He suggests that the reason for these orders may have been that Vietnamese troops were approaching.<sup>2057</sup>

- v. Finally, one civil party applicant relates hearsay evidence that he was told by a relative working at Phum Veal that five Vietnamese families, including his young daughter and Vietnamese wife, were taken from Phum Veal and killed at Tuol Kakaoh, adding that the latter only stayed in Phum Veal for two days before being killed.<sup>2058</sup>

766. Former prisoners also state that detainees were removed each night from the security centre and killed:

- i. Kim So states that each evening 10 to 20 prisoners were removed from the security center. He later heard that they were killed.<sup>2059</sup> He also observed that prisoners accused of subversion usually disappeared after the interrogation.<sup>2060</sup> There is however no indication as to how many people he saw being killed or removed nightly.

<sup>2056</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875, A14, ERN 00975876, A23, ERN 00975880-00975881, A65-A67. *See also* **D5/61**, Civil Party Application of Thoek Yoeun, 11 July 2009, ERN 00427011; **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527101

<sup>2057</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975880-00975881, A65-66.

<sup>2058</sup> **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986176, A3, ERN 00986182-00986183, A49-A53.

<sup>2059</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975890, A44.

<sup>2060</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975891, A49.



- ii. Chab Khuong saw at least five detainees being removed from their shackles per night. He believes that they were taken to be killed because, on at least one occasion, he was forced to hold a torch during executions at night at Prey Yuk Reservoir. He states that killings started upon the arrival of Southwest Zone cadre Un Aun who arrived at some point in 1977.<sup>2061</sup> He further recalls that Yeay Rim told the soldiers, in front of all the prisoners, to return some detainees to their villages “to reduce the difficulties in feeding them”; he explains that the latter, removed at night, were never actually sent back to their cooperatives.<sup>2062</sup>
- iii. Thoek Yoeun, detained for three years, corroborates that prisoners were taken out from the prison and killed on a daily basis. He could not count the number of prisoners killed as there were “too many” but estimates that seven to eight persons were killed per night in 1978, and that the total might be in the thousands.<sup>2063</sup>

767. Despite the source of knowledge about prisoners removed daily being killed is unclear, the overall evidence supports this conclusion. Other testimonies lend further credence to the above accounts: i) corpses were buried in mass graves all across the forest and used as fertiliser in individual graves in the rice field surrounding Phum Veal; ii) witnesses working outside the security centre stepped on corpses or saw corpses floating in red water;<sup>2064</sup> iii) according to two former detainees about 20 prisoners survived Phum Veal and, among them, only two Khmer Krom,<sup>2065</sup> and iv) after the fall

<sup>2061</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976590, A54, ERN 00976592, A70-A73, ERN 00976593, A76, A80; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496.

<sup>2062</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976597, A105-A109.

<sup>2063</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875, A20, ERN 00975879, A55-A58 *confirming* **D5/61**, Civil Party Application of Thoek Yoeun, 11 July 2009, ERN 00427010.

<sup>2064</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975875, A16, A18-A19, ERN 00975879, A57; **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040575-01040576, A136-A144; **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034942, A96-A97.

<sup>2065</sup> **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975874-00975875, A11-A12, ERN 00975876, A23, ERN 00975879, A56, ERN 00975880, A60-A61; **D6.1.759**, Written Record of Interview of Civil Party Applicant Kim So alias Song Kimso, 1 October 2009, ERN 00388622; **D5/61**, Civil Party Application of Thoek Yoeun, 11 July 2009, ERN 00427011. *See also* **D219/57**, Written Record of Interview of Witness Kong Run alias Kong Sarun, 30 October 2014, ERN 01040578, A161-A162. *See also* **D118/147.1.43**, Investigative Report Conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527101.



of DK, one witness observed bones and clothes in a field in “*Veal Village*” in Ta Lou.<sup>2066</sup>

768. At a very conservative estimate based on the evidence and avoiding the risk of double-counting, at the very least **2,950** people were killed at Phum Veal. This calculation is based on the 1,000 East Zone Evacuees, and on the evidence relating to the period between Un Aun’s arrival in 1977 and the end of 1978; because the exact date of Un’s arrival in 1977 is unclear, only one month from that year has been used for the count. The minimum casualty total thus results from (five detainees x 13 months x 30 days).

### Khmer Krom

769. There is no direct evidence of killings of Khmer Krom at Phum Veal. However, several accounts suggest that Khmer Krom detainees were taken from Phum Veal and killed:

- i. Chab Khuong pretended to be unable to speak during his three years at Phum Veal to prevent cadres from discovering his Khmer Krom accent; else he “*would certainly have been executed*”.<sup>2067</sup> According to him, all 50 or 60 Khmer Krom detained at the security centre were transferred in 1977 to Tuol Krabau in Khnar Totueng – most likely referring to Prey Krabau or Tuol Seh Nhauv Killing Sites – to be killed.<sup>2068</sup> In late 1977 or early 1978, he heard Yeay Rim ordering Un Aun to “*return*” ten Khmer Krom families, around 60 people in total, to their cooperatives. He concluded that it meant they were killed as these people, some of whom he was related to, were never seen again. He adds that they were killed at Tuol Krabau but his source of knowledge on this point is unclear.<sup>2069</sup> He further recalls a family of six or seven Khmer Krom women, who had been arrested because they were “*accused of being the ‘Yuon’*”,<sup>2070</sup> being brought to Phum Veal; and that all were killed immediately except one, who served as a cook for some time before being killed, and whose body he later found near the

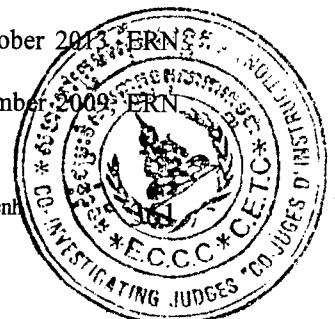
<sup>2066</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981840, A90-A91.

<sup>2067</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976593-00976594, A80-A85.

<sup>2068</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976593, A77, A79.

<sup>2069</sup> **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976595, A92-A96, ERN 00976597, A107-A108.

<sup>2070</sup> **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496-00387497.



security centre.<sup>2071</sup> The timing, location, and source of knowledge regarding the alleged killing of the first six members of the family are however unknown.

- ii. Kim So recounts one incident in the field outside the security centre where, as he was holding the torch during killings of East Zone Evacuees, he was threatened to death by the guards who called him a “*contemptible Khmer Krom*”.<sup>2072</sup> He states that Khmer Krom people were killed in Khnar Toteung.<sup>2073</sup> However, his basis of knowledge on this point is unknown.
- iii. One witness, whose father was Khmer Krom, recounts that his brother was killed in Phum Veal, accused of being Khmer Krom.<sup>2074</sup>
- iv. Another witness, who worked around Phum Veal during the day and slept in the Phum Veal Office at night, asserts, however with no further precision, that Khmer Krom people were killed in Phum Veal.<sup>2075</sup>

770. Despite their uncertain source of knowledge regarding the actual circumstances of the killings and the number of victims, these accounts, when taken as a whole, demonstrate that almost all Khmer Krom detainees disappeared from Phum Veal after only short periods of detention.<sup>2076</sup> It is therefore probable that some Khmer Krom detainees were killed at Phum Veal, however, no Khmer Krom victims are counted at this crime site to avoid the risk of double counting with Prey Krabau and Tuol Seh Nhauv Killing Sites.

#### *Visits by Yim Tith*

771. There is no evidence of **Yim Tith** visiting Phum Veal Security Centre.

<sup>2071</sup> **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 30 September 2009, ERN 00387496. *See also* **D118/125**, Written Record of Interview of Civil Party Applicant Chab Khuong, 10 October 2013, ERN 00976594, A88-A91. *Cf.* **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975898, A113-A116.

<sup>2072</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975893, A60, A64.

<sup>2073</sup> **D118/124**, Written Record of Interview of Civil Party Applicant Kim So alias Sung Kim So, 9 October 2013, ERN 00975893, A64.

<sup>2074</sup> **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079313, A6, ERN 01079314-01079315, A14-A16.

<sup>2075</sup> **D118/246**, Written Record of Interview of Witness Meas Voern, 29 May 2014, ERN 01034941-01034942, A89-A93, ERN 01034943, A105.

<sup>2076</sup> *See also* **D5/61**, Civil Party Application of Thoeuk Yoeun, 11 July 2009, ERN 00427010; **D5/161**, Civil Party Application of Chab Khuong, 30 October 2008, ERN 00379339.



### 5.5.3.2 Svay Chrum Security Centre

#### *Location and establishment*

772. Svay Chrum Security Centre, also known as the Ta Khin Office or Thkaul/Thkoul Office/Prison/Educational Office/Refashioning Centre<sup>2077</sup> (“Svay Chrum”), was located in Svay Village, Boeng Bat Kandal Commune, Bakan District in Pursat Province.<sup>2078</sup> It was located initially within Sector 7 of the Northwest Zone,<sup>2079</sup> until there was a merger of the two Bakan Districts and it fell under the authority of Sector 2 of the Northwest Zone.<sup>2080</sup> Svay Chrum functioned from 1976<sup>2081</sup> until the end of 1978,<sup>2082</sup> when the facility was demobilised and turned over to the cooperative.<sup>2083</sup>
773. The security centre compound was approximately five square kilometres<sup>2084</sup> with a wooden fence and entrance gate.<sup>2085</sup> It was bordered by Highway 5, Boeng Samraong, and the “April 17th Canal”.<sup>2086</sup> It consisted of two sections, which were separated by a stream.<sup>2087</sup> In the northern section, there were about five long-wooden detention

<sup>2077</sup> **Ta Khin Office: D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986737, A67-A70. *See also* **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066760, A23. **Thkaul/Thkoul: D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761, ERN 00379163; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756, A3, A5.

<sup>2078</sup> **D118/15**, Site Identification Report, 24 January 2013, ERN 00882969.

<sup>2079</sup> **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092969, A88; **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412157. *See also* **D6.1.1105**, B. Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-1979*, 12 May 1978, ERN 00678477.

<sup>2080</sup> **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747-01104748, A30-A31, A41; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088595-01088596, A23, A30, A40, ERN 01088598, A53-A54; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047755, A112. *See also* **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412157-00412158, A1-A2.

<sup>2081</sup> **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A78; **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762.

<sup>2082</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756, A6, ERN 01066757, A8-A9.

<sup>2083</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066760, A24.

<sup>2084</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2085</sup> **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A85-A86.

<sup>2086</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2087</sup> **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117989, A29; **D118/15**, Site Identification Report, 24 January 2013, ERN 00882969. *See also* **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.



buildings. In the southern section, there was a detention building without windows, called the “*Dark Prison*”.<sup>2088</sup>

774. A few hundred metres from that building was a wooded area known as “*Pheak*”, which was used for killings and which contained mass graves.<sup>2089</sup>

#### *Structure and personnel*

775. Khin was the commander, Kim was his deputy and Choek the committee member.<sup>2090</sup> A witness recalls that Sam, Hieng and Mei served as guards.<sup>2091</sup> Two witnesses indicate that the command staff (Khin, Kim and Choek) were removed in 1978, and killed.<sup>2092</sup> This coincided with a large purge of local cadres and soldiers in the area who were then replaced by the newly arrived people from the Southwest Zone.<sup>2093</sup> Subsequently, former Svay Chrum guards were also arrested and imprisoned there themselves.<sup>2094</sup> While there is however no clear indication as to when, it had to be when Ta Khin was removed in 1978.<sup>2095</sup>

<sup>2088</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857248, lines 20-21. *See also* **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161-00379162.

<sup>2089</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162-00379163; **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981983, A78-A80; **D118/15**, Site Identification Report, 24 January 2013, ERN 00882969.

<sup>2090</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974293, A14. *See also* **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066760, A23; **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A77-A78.

<sup>2091</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066760, A25; **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974282, A22.

<sup>2092</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D219/702.1.4**, Transcript of Hearing on the Substance in Case 002 [Lim Sat], 2 May 2013, ERN 00908504, lines 11-17; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756-01066757, A6, A8-A9, ERN 01066760, A23-A24. *Cf.* **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A77-A78.

<sup>2093</sup> *See Re-education and killing of ‘enemies’ and ‘bad elements’ and the targeting of specific groups*, paras 299-306; **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066760, A23. *See also* **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040491-01040493, A21-A27.

<sup>2094</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 17-22.

<sup>2095</sup> **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852194-00852195.



776. It is unknown who replaced the command staff, yet, the District Committee “was overall in charge” of the security centres,<sup>2096</sup> and Bakan District Committee was under Southwest Zone administration with Rim, Yan and Rēn as from sometime in 1977.<sup>2097</sup>

#### *Arrests and detention*

777. From 1976 to 1978, thousands of people were arrested and then detained at Svay Chrum.<sup>2098</sup> Although Lim Sat stated that no new prisoners arrived during his detention there from September 1976 through late 1978,<sup>2099</sup> his evidence is unreliable because several other witnesses clearly recall prisoners arriving during that period.<sup>2100</sup>

778. The security centre held men, women and children,<sup>2101</sup> including CPK soldiers and former Lon Nol soldiers, CPK cadres, April 17th and 18th People, Cham, Khmer Krom, and people from Phnom Penh, Svay Rieng, Kampong Speu and nearby cooperatives.<sup>2102</sup>

<sup>2096</sup> **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106446-01106447, A163; **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092965, A46, ERN 01092966, A51, A53.

<sup>2097</sup> See *Phum Veal Security Centre*, para. 752; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747, A33, ERN 01104748, A41; **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852195.

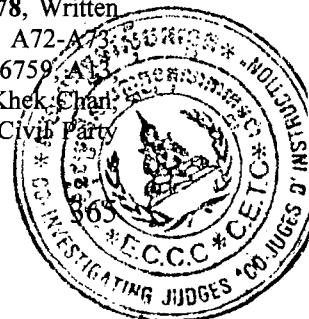
<sup>2098</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761. See also **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066757, A8-A9, ERN 01066758, A14, ERN 01066759, A19; **D219/241**, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A77-A78. See also **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981982, A72-A73.

<sup>2099</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A6.

<sup>2100</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066759, A19; **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981983, A78-A79 confirming **D5/748**, Civil Party Application of Moul Van, 2 March 2012, ERN 01538060; **D118/237**, Written Record of Interview of Witness Tit Kas, 15 May 2014, ERN 01056778, A60, ERN 01056779, A70-A73.

<sup>2101</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292-00974293, A5-A8; **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117986, A4, ERN 01117987-01117988, A19-A21, A24, A29; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163.

<sup>2102</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A5; **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981982, A72-A73; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066758-01066759, A16-A19, ERN 01066761, A30; **D118/235**, Written Record of Interview of Civil Party Applicant Khek Char, 14 May 2014, ERN 01057667-01057668, A31-A32; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163.



779. Prisoners were brought to Svay Chrum by soldiers or militia.<sup>2103</sup> They included “*light offense prisoners*”, such as persons who had stolen food,<sup>2104</sup> and serious offenders who had spoken out against the regime, told people not to work, and political prisoners such as former Lon Nol military officers.<sup>2105</sup> When a husband was arrested the wife and children were also taken and detained at the facility.<sup>2106</sup>

### *Conditions of detention*

780. The conditions in both sections of Svay Chrum were “*hard*”<sup>2107</sup> and “*very difficult*”.<sup>2108</sup>

781. In the northern section around 2,000 ‘light offenders’ and their families were detained in unlocked buildings.<sup>2109</sup> They were not chained inside.<sup>2110</sup> They were forced to work to “*refashion*” themselves<sup>2111</sup> by digging canals and building dykes.<sup>2112</sup> Militia guarded them while they worked<sup>2113</sup> and if they made any mistakes they would then be placed with the serious offenders.<sup>2114</sup>

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Applicant Lay Bony, 26 August 2009, ERN 00379156, ERN 00379161. *Contra* D134/4, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974293, A10.

<sup>2103</sup> D219/241, Written Record of Interview of Witness Am Sokhon, 26 March 2015, ERN 01092968, A80-A82, A85; D267.1.42, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162; D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29; D118/178, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981983, A78-A82.

<sup>2104</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761. *See also* D118/288, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066759, A21; D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29.

<sup>2105</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; D118/235, Written Record of Interview of Civil Party Applicant Khek Chan, 14 May 2014, ERN 01057667-01057668, A31-A32; D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29.

<sup>2106</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; D267.1.42, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161-00379162; D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29.

<sup>2107</sup> D118/288, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066761, A33.

<sup>2108</sup> D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117990, A47.

<sup>2109</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761. *See also* D118/288, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066759, A21; D219/336, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29.

<sup>2110</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2111</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; D267.1.42, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163.

<sup>2112</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2113</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2114</sup> D6.1.137, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.





782. Approximately 100 male serious offenders were held in one room of the “*Dark Prison*”.<sup>2115</sup> They had to eat and to relieve themselves there.<sup>2116</sup> They were shackled in the dark in rows of approximately twenty.<sup>2117</sup> The building was locked and guarded at night.<sup>2118</sup> While many prisoners remained shackled inside the building at all times, some were allowed to go out and work, yet even then remained shackled by their legs.<sup>2119</sup> A witness on one occasion observed a group of ten shackled prisoners working inside the compound.<sup>2120</sup>
783. A central civil party applicant is Lay Bony. She gave different accounts regarding her dates of detention. In her first WRI, she said she left Svay Chrum in mid-1977.<sup>2121</sup> However, in two non-judicial statements,<sup>2122</sup> and in her second WRI,<sup>2123</sup> she corrected this date stating that she left the security centre in 1978. In the latter, she explains that she was sent to another facility when Svay Chrum was closed and the land was given to the cooperative.<sup>2124</sup> Former prisoner Lim Sat corroborates the fact that Svay Chrum was transferred to the cooperative in late 1978.<sup>2125</sup> Therefore, read together, the evidence demonstrates that Lay Bony was detained at Svay Chrum from around mid-1976 to late 1978, and that she was mistaken when she mentioned leaving the security centre in mid-1977. This also has an impact regarding events of mass killings discussed below.

<sup>2115</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161-00379162; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857248, lines 19-21; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066758, A10-A12. *See also* **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192.

<sup>2116</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066758, A10.

<sup>2117</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2118</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2119</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761. *See also* **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162; **D118/235**, Written Record of Interview of Civil Party Applicant Khek Chan, 14 May 2014, ERN 01057667, A31; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066758, A10.

<sup>2120</sup> **D118/235**, Written Record of Interview of Civil Party Applicant Khek Chan, 14 May 2014, ERN 01057667, A31.

<sup>2121</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162 -00379163.

<sup>2122</sup> **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852195; **D5/249.2**, Report of Civil Party Application of Lay Bony, 23 March 2009, ERN 00359373-00359374.

<sup>2123</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756-01066757, A6-A9.

<sup>2124</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756, A6, ERN 01066757, A8-A9.

<sup>2125</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412159, A11.



784. Women who were considered serious offenders were detained in another room in the southern section of the compound.<sup>2126</sup> They were not shackled, but the room was so overcrowded<sup>2127</sup> that there was no place to lie down and they had to sleep sitting up.<sup>2128</sup> Lay Bony recalled that there was an overpowering stench of excrement and urine;<sup>2129</sup> indeed, the bowl used to remove excrement from the room was also used to serve their rice.<sup>2130</sup> She would place her nose against a small hole in the door to breathe fresh air.<sup>2131</sup> The women were forced to work, including rice farming.<sup>2132</sup>
785. The food was insufficient.<sup>2133</sup> Those confined to the building were given a small portion of porridge or gruel with a little salt twice per day,<sup>2134</sup> those who had to work also received soup or rice.<sup>2135</sup> A male prisoner explained that they were given watery

<sup>2126</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161-00379162; **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756, A5, ERN 01066757, A9, ERN 01066759, A21; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192. See also **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117988, A29.

<sup>2127</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161-00379162; **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A5; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192.

<sup>2128</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A5; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192. See also **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162.

<sup>2129</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857249, lines 14-18; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192.

<sup>2130</sup> **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857249, lines 16-17; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192.

<sup>2131</sup> **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857249, lines 18-20; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852192.

<sup>2132</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857294, lines 4-13.

<sup>2133</sup> **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 10-13, ERN 00857294, lines 13-15; **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A5, ERN 01066761, A33.

<sup>2134</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857249, lines 2-4. See also **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852193.

<sup>2135</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A5; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162.



gruel which contained four cans of rice for thirty people.<sup>2136</sup> They were given watery vegetable soup, but did not receive any meat.<sup>2137</sup> While there were medics to aid the sick prisoners; treatment was limited to traditional Cambodian medicine.<sup>2138</sup>

786. Those 'serious' and 'light offenders' who worked, did so inside and outside the security centre.<sup>2139</sup> Prisoners had to farm rice, dig canals and water reservoirs, build dikes and generally to perform hard labour.<sup>2140</sup> The guards would further abuse some of them by denying them food or by frequently beating them<sup>2141</sup> with clubs or whips.<sup>2142</sup>

### *Killings and disappearances*

787. Killings occurred at Svay Chrum but it is unclear for a number of them when they took place, and it cannot be excluded that it was before the Southwest Zone took control.<sup>2143</sup>
788. Lim Sat, who spent approximately two years at Svay Chrum and left the security centre in 1978,<sup>2144</sup> observed that many prisoners were killed in late 1978<sup>2145</sup> and that long-term prisoners disappeared one after another.<sup>2146</sup> When he left Svay Chrum in approximately November 1978, there were only 400 to 500 prisoners of the 2100

<sup>2136</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761. *See also* **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857294, lines 13-14.

<sup>2137</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2138</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761.

<sup>2139</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066757, A9; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857294, lines 4-13. *See also* **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162-00379163.

<sup>2140</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00250762. *See also* **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117992, A67; **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A5.

<sup>2141</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761-00250762.

<sup>2142</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761-00250762; **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379161; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A5; **D118/194**, Written Record of Interview of Civil Party Applicant Ruos Narin, 28 February 2014, ERN 00986734-00986735, A54. *See also* **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857294, lines 4-8.

<sup>2143</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292-00974293, A5-A8; **D219/336**, Written Record of Interview of Witness Torm Chas, 24 May 2015, ERN 01117991, A52, A56, ERN 01117992, A67; **D118/235**, Written Record of Interview of Civil Party Applicant Khek Chan, 14 May 2014, ERN 01057667, A30, ERN 01057668, A32-A34.

<sup>2144</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D6.1.685**, Written Record of Interview of Witness Lim Sat, 18 November 2009, ERN 00412159, A11; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A6;

<sup>2145</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762.

<sup>2146</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762.



present in 1976,<sup>2147</sup> however, it is unclear how many were killed under the rule of the Southwest Zone, only that it must have been a large part.

789. Lay Bony also notes that every two or three days for over one year, between 100 and 200 prisoners were taken for execution.<sup>2148</sup> She explains that the CPK cadres would call out the names of those who were to be sent to the “zone” or “Pheak”<sup>2149</sup> and on those killing days, her unit group was not sent out to work at noon.<sup>2150</sup> After the prisoners were taken to the “zone”, their clothing would be brought back for the people remaining at the security centre to wear.<sup>2151</sup>
790. In her first WRI, Lay Bony places these mass killings in 1976.<sup>2152</sup> However, as previously explained, in this same WRI she thought that she left Svay Chrum in mid-1977,<sup>2153</sup> which she corrected herself in her second WRI as having left in 1978.<sup>2154</sup> It is therefore very likely that she was similarly confused with the dates of these mass killings, which most likely occurred in 1977 or 1978.
791. Lay Bony also recalls a major purge where all prisoners were called to line up and her name was announced. Her supervisor intervened and the civil party applicant was not sent to “the zone”.<sup>2155</sup> All newly arrived prisoners, however, were sent for

<sup>2147</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250761-00250762; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A5.

<sup>2148</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066759, A19; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 4-8, lines 22-23.

<sup>2149</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 5-8, ERN 00857251, lines 2-4; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852193-00852194.

<sup>2150</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066759, A19.

<sup>2151</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 22-25.

<sup>2152</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163.

<sup>2153</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379162 -00379163.

<sup>2154</sup> **D118/288**, Written Record of Interview of Witness Lay Bony, 20 August 2014, ERN 01066756-01066759, A6-A9.

<sup>2155</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163.



execution.<sup>2156</sup> So many prisoners were taken on that day that it was “quiet” at the facility that afternoon.<sup>2157</sup> Lay Bony says that this purge occurred at the end of 1976.<sup>2158</sup> She also says that mass killings continued there until “late 1977”<sup>2159</sup> or “the end” of that year.<sup>2160</sup> However, a combined reading of her testimonies and Lim Sat’s evidence makes it more likely that these killings in fact occurred at least in late 1977, if not in 1978. The fact that she describes that the place became quiet after the mass killings is consistent with the killings that occurred prior the closing of the security centre as described by Lim Sat.<sup>2161</sup> Lay Bony was therefore mistaken about the date of the purge being 1976 .

792. During her detention at Svay Chrum, Lay Bony worked in a unit with other detainees. Khmer Krom prisoners in her work unit, while being “not many”, “all disappeared”. They could be identified by their accent and were taken to be killed as part of the mass killings every three days.<sup>2162</sup> Further, any Khmer Krom arriving at the detention facility on a mass killing day, would be directly taken to be killed.<sup>2163</sup> As the witness explained, all prisoners who spoke with an accent were killed.<sup>2164</sup> While the timing of this incident is unclear, this similarly must have occurred in late 1977, if not in 1978. Given the evidence that killings occurred until late 1978, and the presence of Khmer Krom at the site, it is probable that Khmer Krom killings occurred during this period.

<sup>2156</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163. *See also* **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066759, A19.

<sup>2157</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852194. *See also* **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762.

<sup>2158</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066756, A6, ERN 01066757, A9. *See also* **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 20-22; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852193-00852194.

<sup>2159</sup> **D5/249.2**, Report of Civil Party Application of Lay Bony, 23 March 2009, ERN 00359373.

<sup>2160</sup> **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852194.

<sup>2161</sup> **D6.1.137**, Written Record of Interview of Witness Lim Sat, 23 November 2008, ERN 00250762; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A5.

<sup>2162</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066758-01066759, A16-A19.

<sup>2163</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066759, A19.

<sup>2164</sup> **D118/288**, Written Record of Interview of Civil Party Applicant Lay Bony, 20 August 2014, ERN 01066758, A13.



793. In 1978,<sup>2165</sup> Lay Bony also met three or four prisoners who had previously served as soldiers at Svay Chrum and were responsible for carrying out the killings.<sup>2166</sup> They claimed that by 1977 as many as 100,000 people were killed at Pheak, also referred to as “*the zone*”.<sup>2167</sup> These former soldiers were eventually sent for execution.<sup>2168</sup>
794. A review of Lay Bony’s statements suggests the following conservative estimate of the number of victims: if 100 prisoners were executed every three days during five of the last six months of 1977 from July to the end of November (5 months x 30 days divided by 3 equals 50 instances, and then multiplied by 100 victims), then a total of **5,000** prisoners were killed at Svay Chrum as part of the large-scale killing process over the second half of 1977 alone.
795. There is corroborative evidence for large-scale killing at Svay Chrum. One witness was aware of two people being arrested and brought to Svay Chrum to be killed.<sup>2169</sup> While his source of knowledge regarding the killing is unclear, after 1979 he learned of very large pits there and that many bones were exposed.<sup>2170</sup>

#### *Visits by Yim Tith*

796. There is no evidence of **Yim Tith** visiting Svay Chrum Security Centre.

#### 5.5.3.3 Tuol Seh Nhauv Execution Site

##### *Location and establishment*

797. The Tuol Seh/She Nhauv/Nhov Killing Site was located on a hill in Bak Mek/Bakmek Village (formerly Seh Nhauv Village) in Khnar/Thnal Totueng Commune, Bakan

<sup>2165</sup> **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852195.

<sup>2166</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; *See also* **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 17-20.

<sup>2167</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D267.1.99**, Transcript of Hearing on the Substance in Case 002/01 [Lay Bony], 24 October 2012, ERN 00857250, lines 19-23.

<sup>2168</sup> **D267.1.42**, Written Record of Interview of Civil Party Applicant Lay Bony, 26 August 2009, ERN 00379163; **D5/249.1**, Report: *Life in the Hell of the Pol Pot Genocidal Gang*, 8 October 2012 (filing date), ERN 00852193-00852195.

<sup>2169</sup> **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981983-00981984, A78-A89.

<sup>2170</sup> **D118/178**, Written Record of Interview of Civil Party Applicant Moul Van, 7 February 2014, ERN 00981983, A79-A80.



District, Sector 2 of the Northwest Zone, Pursat Province.<sup>2171</sup> It consisted of at least three pits, with some evidence suggesting as many as ten.<sup>2172</sup> Located 500 to 600 metres northeast of Tuol Seh Nhauv was a corral surrounded by wires measuring 50 to 100 square metres. It had a cattle barn used to detain people before they were killed.<sup>2173</sup>

798. It was used as a killing site at least from mid-1977 until August 1978.<sup>2174</sup>

### *Structure and personnel*

799. In 1977, Southwest Zone cadre Ben served as Sector 2 Secretary for less than six months.<sup>2175</sup> He was replaced in late 1977 or early 1978 by West Zone cadre Sarun.<sup>2176</sup>

<sup>2171</sup> **D118/12**, Site Identification Report of Tuol Seh pits, 18 January 2013, ERN 00882691; **D219/639**, Written Record of Interview of Civil Party Applicant Keo Meur, 5 January 2016, ERN 01198196, A110-A111; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981837, A67; **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279242; **D118/147.1.43**, Investigative Report conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527091, 00527099-005270100; **D118/123**, Written Record of Interview of Civil Party Applicant Thoeuk Yoeun, 8 October 2013, ERN 00975879, A51; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207569-01207570, A103-A104; **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040495-01040496, A44-A45. *See also* **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079324, A82; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981790-00981791, A63-A65.

<sup>2172</sup> **D118/12**, Site Identification Report of Tuol Seh pits, 18 January 2013, ERN 00882691; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981836, A62, ERN 00981837, A65. *See also* **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279242, ERN 00279245; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207570, A105-A109; **D118/147.1.43**, Investigative Report conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527127.

<sup>2173</sup> **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040497-01040498, A54-A56; **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279245-00279246; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985085, A56-A58.

<sup>2174</sup> **D118/223**, Written Record of Interview of Civil Party Applicant Koem Huoy, 21 April 2014, ERN 01057644, A35; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981764-00981765, A72; **D118/122**, Written Record of Interview of Civil Party Applicant Thoeuk Bun Roeun, 8 October 2013, ERN 00975866-00975867, A48, *confirming* **D5/115**, Civil Party Application of Thoeuk Bun Roeun, 9 July 2009, ERN 00426905; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185-00986186, A69-A75.

<sup>2175</sup> **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088595, A28-A30; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747, A31; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047785, A124; **D219/242**, Written Record of Interview of Witness Ap Choeng, 27 March 2015, ERN 01092976, A14-A16, ERN 01092977, A25.

<sup>2176</sup> **D6.1.988**, Written Record of Interview of Witness Sou Nan, 9 April 2010, ERN 00508565, A19, ERN 00508566, A24; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088595, A28-A30; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104747, A31; **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047785, A124, ERN 01092976, A14-A16, ERN 01092977, A25.



Sarun merged Bakan Leu and Bakan Krom into a single Bakan District, operating under Sector 2,<sup>2177</sup> and controlled by Yeay Rim and Pheng until the end of DK.<sup>2178</sup>

800. Sector 2 Secretary Sarun received orders from the Zone and disseminated them to Bakan District, notably through former Bakan District Committee Secretary Yeay Rim, who in turn instructed the cooperatives.<sup>2179</sup> Through meetings in 1978, both Sarun and Yeay Rim disseminated orders to cooperatives and militia chiefs in Khnar Totueng and Srong Cooperatives to transfer Khmer Krom to Khnar Totueng and then kill them, as well as East Zone Evacuees.<sup>2180</sup>

801. In particular, the former Chief of the Srong Cooperative Battlefield Committee,<sup>2181</sup> █████ Khorn – a battlefield committee was a three-person unit within DK governmental structure organising and overseeing the work performed at a worksite (also referred to

<sup>2177</sup> **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104748, A41; **D6.1.991**, Written Record of Interview of Witness Uk Soeum, 3 March 2010, ERN 00491354, A19; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047755, A112; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596, A40, ERN 01088598, A53; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364080, A72-A74.

<sup>2178</sup> **D219/8**, Written Record of Interview of Witness Yang Sokhom, 15 September 2014, ERN 01047777, A66-A67, ERN 01047779, A81, ERN 01047788, A152-A153; **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104748-01104749, A43; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106436, A80; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596, A40, ERN 01088597, A42, ERN 01088598, A53-A54; **D219/590**, Written Record of Interview of Witness Long Khlor, 6 November 2015, ERN 01178805, A58-A60; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365567, A99 (*contra* **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364079, A59-A60); **D219/611**, Written Record of Interview of Witness Lam Savuon, 30 November 2015, ERN 01185830, A38; **D219/6**, Written Record of Interview of Witness Ouk Heang, 13 September 2014, ERN 01047755, A112.

<sup>2179</sup> **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364083, A102-A104, A106-A107; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365558, A8, ERN 01365561, A42, ERN 01365563, A60-A61.

<sup>2180</sup> **Khmer Krom: D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365559, A13-A14, A16, ERN 01365560, A19-A20, A25 -A28, ERN 01365561, A42, ERN 01365563, A60-A61; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440, A112-A114, ERN 01106442, A125, A130-A131; **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120-00876121, A19-A22, A24-A26. *See also* **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104746-01104747, A24-A25, A28; **D6.1.757**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 29 September 2009, ERN 00387502. **East Zone Evacuees: D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365558-01365559, A9-A11, A13-A14; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106443-01106444, A133-A134, A136-138. *See also* **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178738, A111-A114; **D219/225**, Written Record of Interview of Witness █████ Sieng, 14 March 2015, ERN 01112241, A86-A89, A95. **“Yuon enemies”/both: D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364081, A83-A84, ERN 01364082, A86-A90, ERN 01364083, A93-A94; **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365558-01365559, A9-A11, A13-A14; **D219/345**, Written Record of Interview of Witness Noem Lon, 29 May 2015, ERN 01116106, A86-A88.

<sup>2181</sup> **D219/187**, Written Record of Interview of Witness █████ Khorn, ERN 01104744, A6-A8.





as a battlefield); it existed at the district and cooperative levels; at the cooperative level, it was subordinated to the Cooperative Committee<sup>2182</sup> – attended at least three meetings with Yeay Rim in 1978:

- i. in Koh Run, where Yeay Rim ordered him to be in charge of the killings of Khmer Krom in his cooperative;
- ii. around August, after attending a meeting at the Sector level, Yeay Rim ordered her subordinates to “round up [Khmer Krom] from every cooperative and put [them] in one place” with the plan being to “sweep [them] clean”;
- iii. in late 1978, Yeay Rim instructed cooperatives to kill the East Zone Evacuees and issued assignments to implement this order. Subsequently to these meetings, the witness states that all Khmer Krom from every cooperative were collected and sent to Khnar Totueng Cooperative, and his new Cooperative Chairperson Tonn from Kampong Chhnang instructed him to kill the East Zone Evacuees.<sup>2183</sup>

### *Killings and disappearances*

#### Khmer Krom

802. As conveyed by Yeay Rim and Sarun during meetings,<sup>2184</sup> Khmer Krom in Bakan were targeted because they were perceived as enemies since they were considered to be either Vietnamese or affiliated with them, “Yuong spies”, “Khmer’s body with Yuong’s head”.<sup>2185</sup>

<sup>2182</sup> **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106443, A136, ERN 01106444, A141; **D219/590**, Written Record of Interview of Witness Long Khlor, 6 November 2015, ERN 01178802, A33, ERN 01178804, A49, A55; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986178, A17; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986212, A35; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088596, A39, ERN 01088597, A44; **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2015, ERN 01116089-01116090, A28-A33.

<sup>2183</sup> **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106435-01106436, A68-A72, A75-A80, ERN 01106440-01106441, A111-A117, ERN 01106442, A128, A131, ERN 01106443-01106444, A133-A141.

<sup>2184</sup> **D219/869**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 10 November 2016, ERN 01365561, A31-A32, A35; **D219/861**, Written Record of Interview of Witness Sek Sam At alias Yeay Rim, 8 November 2016, ERN 01364082, A86; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031959-01031960, A65-A71.

<sup>2185</sup> **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079324, ERN 01079326, A82, A90-A91; **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279243; **D118/122**, Written Record of Interview of Civil Party Applicant Thoeak Bun Roeun, 8 October 2013, ERN 00975866, A45, ERN 00975867, A52; **D118/215**, Written Record of Interview of Civil Party



803. From 1977 onwards, after the Southwest Zone cadres took control of Bakan District,<sup>2186</sup> thousands of Khmer Krom – including 1,000 Khmer Krom transferred from Rumlech Village alone<sup>2187</sup> – were ‘screened’ throughout the district and forcibly transferred from nearby villages to Khnar Totueng Cooperative.<sup>2188</sup> They were sent under the pretence of harvesting vegetables or being transferred elsewhere or to another battlefield.<sup>2189</sup> Many

Applicant Chea Aun alias Chea Savy, 2 April 2014, ERN 00985627, A27-A28, ERN 00985629, A36-A37; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207564, A63, ERN 01207571, A116-A118, ERN 01207572, A120; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985085, A53, ERN 00985086, A66; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981842, A99-A101; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 13 September 2009, ERN 00387497; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031957, A42-A44; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116106, A87; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986723, A101; **D118/214**, Written Record of Interview of Civil Party Applicant Choeng Phy, 2 April 2013, ERN 00985618, A38; **D118/258**, Written Record of Interview of Civil Party Applicant Ruos Him, 11 June 2014, ERN 01000657, A58; **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031793-01031794, A91-A96. *See also* **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055758, A90-A91; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981760, A42; **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A17.

<sup>2186</sup> **D118/278**, Written Record of Interview of Witness Nam Im, 21 July 2014, ERN 01031798, A128; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696, A69; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106442, A128.

<sup>2187</sup> **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876118, A2, ERN 00876120, A17; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864-00975865, A26-A35, A37.

<sup>2188</sup> **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981787, A38-A39; **D118/127**, Written Record of Interview of Civil Party Applicant Peou Pov Sinuon, 10 October 2013, ERN 00979971, A21-A22, ERN 00979977, A61-A64; **D6.1.757**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 29 September 2009, ERN 00387501-00387502; **D219/639**, Written Record of Interview of Civil Party Applicant Keo Meur, 5 January 2016, ERN 01198192, A83, A85-A87; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986713-00986714, A41-A43; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055751-01055752, A52-A57; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213365, A62-A63, A65-A66; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031960-01031961, A75-A79, ERN 01031963, A103; **D118/199**, Written Record of Interview of Civil Party Applicant Uong Sav, 11 March 2014, ERN 00985110-00985111, A41; **D219/342**, Written Record of Interview of Witness Soeun Thoeun, 27 May 2015, ERN 01116077, A97-A98; **D118/223**, Written Record of Interview of Civil Party Applicant Koem Huoy, 21 April 2014, ERN 01057644, A35; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985086, A65-A67; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981757, A10, ERN 00981758-00981759, A24-A25, ERN 00981760, A39-A42, ERN 00981762, A50-A52, ERN 00981763, A61, ERN 00981766, A80-A81, A84; **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079316, A27; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864, A26-A31, ERN 00975865, A38, *confirming* **D5/115**, Civil Party Application of Thoek Bun Roeun, 9 July 2009, ERN 00426904; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986700, A96-A98.

<sup>2189</sup> Harvesting vegetables: **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677, A49, ERN 00986678, A54, A57-A58; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025231-01025232, A23-A24, A29; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975866-00975867; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981757, A10, ERN 00981758-00981759, A24-A25, ERN 00981760, A39-A42, ERN 00981762, A50-A52, ERN 00981763, A61, ERN 00981766, A80-A81, A84; **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079316, A27; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975864, A26-A31, ERN 00975865, A38, *confirming* **D5/115**, Civil Party Application of Thoek Bun Roeun, 9 July 2009, ERN 00426904; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986700, A96-A98.



were then killed in Tuol Seh Nhau.<sup>2190</sup> Victims included Khmer Krom – men, women, and children – Khmer married to a Khmer Krom spouse, and children of ‘mixed Khmer-Khmer Krom parents’.<sup>2191</sup> One former Srong Cooperative militiaman recalls

alias Chea Savy, 2 April 2014, ERN 00985627-00985628, A28; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981789-00981790, A53, A55-A57; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185, A65; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025253, A79. Changing place/battlefield: D219/664, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207561, A40; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031958, A45-A46; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A60-A61, ERN 01055755, A77; **D219/676**, Written Record of Interview of Witness Hok Sarin, 2 February 2016, ERN 01213365, A67-A69; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835, A55; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979973, A33, ERN 00979975, A43.

<sup>2190</sup> **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981790-00981791, A61-A65; **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279245; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 13 September 2009, ERN 00387496; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979976-00979977, A52-A56; **D6.1.757**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 29 September 2009, ERN 00387501-00387502;; **D118/123**, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975878, A42, ERN 00975879, A51; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981830, A24-A26, ERN 00981836, A58-A59; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986717, A66-A67; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A60-A62; **D118/257**, Written Record of Interview of Witness Chhat Phan, 12 June 2014, ERN 01031957-01031958, A42-A48, A51-A52, ERN 01031963, A103; **D219/342**, Written Record of Interview of Witness Soeun Thoeun, 27 May 2015, ERN 01116077, A91, A93, A96, A98; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981763-00981765, A63-A65, A67, A70-A77, ERN 00981766, A84; **D118/214**, Written Record of Interview of Civil Party Applicant Choeng Phy, 2 April 2013, ERN 00985617-00985618, A35-A37; **D118/216**, Written Record of Interview of Witness Civil Party Applicant Hang Nget, 3 April 2014, ERN 00985645-00985646, A61-A67; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985085, A56; **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079314-01079315, A14-A16, ERN 01079315, A18, ERN 01079316, A26-A27; **D118/217**, Written Record of Interview of Civil Party Applicant Mey Sam, 4 April 2014, ERN 00985662, A58. Both Tuol Seh Nhov and Prey Krabau: D118/223, Written Record of Interview of Civil Party Applicant Koem Huoy, 21 April 2014, ERN 01057644, A35; **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025232, A29, ERN 01025233, A36; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975866-00975867, A48; *confirming D5/115*, Civil Party Application of Thoek Bun Roeun, 9 July 2009, ERN 00426904-00426905; **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986699-00986700, A93-A95, A99; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986184-00986186, A65-A74, ERN 00986187, A79, A81; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025249, A57-A61, ERN 01025250, A64-A67, ERN 01025252-01025253, A78-A82, A84, ERN 01025254, A91; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986676, A42-A44, ERN 00986677, A47-A49; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarin, 14 March 2014, ERN 00986222, A88. *See also D118/226*, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055755-01055756, A77-A79, A84.

<sup>2191</sup> **D118/255**, Written Record of Interview of Witness Sen Sinath, 10 June 2014, ERN 01008092, A8, ERN 01008093-01008094, A21-A22, ERN 01008095-01008096, A34-A38; **D118/199**, Written Record of Interview of Civil Party Applicant Uong Sav, 11 March 2014, ERN 00985111, A43-A44; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975865, A38; **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981787, A38, ERN 00981791-00981792, A67-A73; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979975, A46-A47; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986674, A26-A30, ERN 00986678-00986679, A59-A62, A66-A67, ERN 00986680, A68; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055755-01055756, A77-A79, A84.



being instructed by his superior that strong men should be killed first since women and children would be “*easier to deal with*”; other testimonies lend further credence to this plan.<sup>2192</sup>

804. Evidence shows that Khmer Krom sent to work in Prey Thum were in fact killed in Tuol Seh Nhauv:

- i. One civil party applicant stated that hundreds of Khmer Krom were killed at Tuol Seh Nhauv. He recalls that over 2,000 Khmer Krom were sent to Khnar Totueng Commune in 1977. In late 1977, the Cooperative Committee told all Khmer Krom and those whose spouses were Khmer Krom from his village to gather to harvest corn in Prey Thum. He, his wife, children, and mother-in-law assembled and then walked off. A company chairman named Heng removed him from the line and whispered to him that the people were being taken to be killed at Tuol Seh Nhauv. The witness’ wife, mother-in-law and children were killed.<sup>2193</sup>
- ii. A civil party applicant recalls that around 1977 the Khmer Krom were sent to live and work in Khnar Totueng Cooperative. About three months later, they were sent to Kamprak Koun Village/Veal Kam Prak Koun within the commune. Thereafter, they gathered the Khmer Krom to be sent to work at Prey Thum. Instead, more than 200 Khmer Krom, including men, women, and children, were sent to be killed at Tuol Seh Nhauv. About three days later, the applicant was tending cattle near Tuol Seh Nhauv and saw four large graves with a lot of bodies and body parts, a lot of blood and clubs near the graves. The bodies were naked and he recalls that their clothing was distributed to the people. He wanted to search for his father’s remains but was scared to get close to the graves. At the

A84, ERN 01055758-01055759, A93-A95; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So, 9 October 2013, ERN 00975897, A105-A107; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104, A60, A62-A65. *See also* **D118/193**, Written Record of Interview of Witness Vorn Moch, 27 February 2014, ERN 00986193, A5, ERN 00986194, A8-A14, ERN 00986199-00986200, A57, A59-A62; **D118/147.1.43**, Investigative Report conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527079.

<sup>2192</sup> **D219/221**, Written Record of Interview of Witness ██████ Sieng, 10 March 2015, ERN 01104758, A25, ERN 01104764, A64-A65, ERN 01104765, A75. *See also* **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986718, A72-A74; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975865, A38; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677, A48.

<sup>2193</sup> **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981760, A39-A40, ERN 00981764-00981766, A70, A72, A74-A77, A80-A81, A84-A85.



Bak Mek communal kitchen, he later heard militiamen chatting about the killings, including the weapons (clubs and knives) and methods used.<sup>2194</sup> The only reasonable conclusion in light of the totality of the evidence is that these 200 Khmer Krom were killed.

- iii. A witness recounts what seems to be part of the same event, even though he provides a different date: in mid-1978, the Khmer Krom were sent to Kamprak Koun Village in Khmer Totueng Cooperative.<sup>2195</sup> Three days after arriving there, CPK cadres told 42 of his relatives that they were being sent to a new workplace. They never returned but two to three hours later he saw their clothing was brought back to the village. Later, he learned based on hearsay that Khmer Krom were killed at Tuol Seh Nhauv.<sup>2196</sup>
- iv. Another witness similarly noted that he and his family had been evacuated with the Khmer Krom to Kamprak Koun Village in Khnar Totueng Commune. He spoke of Khmer Krom people going missing and noted that those sent to harvest corn in Prey Thum “*never returned*”.<sup>2197</sup> In light of the accounts above, they were most likely killed at Tuol Seh Nhauv.

805. There is corroborative evidence in relation to the killings of Khmer Krom at Tuol Seh Nhauv:

- i. A witness, who stated that she was able to save her Khmer Krom husband twice before he was finally taken to Tuol Seh Nhauv and killed, recalls a meeting held in Khnar Totueng after the mass killing of the Khmer Krom where it was announced that “*they had killed 3,000 Vietnamese enemies*”. The meeting, chaired by a man, was attended by “*many people*”, including many whose Khmer Krom spouses had been killed. While the date of this meeting is unknown, the

<sup>2194</sup> **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055751-01055755, A51-A74.

<sup>2195</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981834-00981835, A52-A54.

<sup>2196</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981835-00981836, A55-A58.

<sup>2197</sup> **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981789, A58.



indication that it was after the mass killing of the Khmer Krom places the meeting in 1978.<sup>2198</sup>

- ii. One civil party applicant explained that after her sister was killed at Tuol Seh Nhauv, one of the executioners showed her a watch and some clothing which she identified as her sister's property.<sup>2199</sup> Other witnesses also described the pattern of events consisting of persons disappearing but their clothing returning to their villages for distribution.<sup>2200</sup>
- iii. One witness, a Khmer woman married to a Khmer Krom man, explained that prior to the killings, hundreds of Khmer Krom, including children, were sent to Tuol Seh Nhauv to dig pits. She had to dig a pit in an area which was surrounded by wooden fences and thorns. The work lasted two days. Later in the evening, they were called to a meeting and instructed that it was forbidden to go near this place.<sup>2201</sup> A month later, at another meeting, cadres asked who among the attendees wanted to go pick corn. Each time, 20 people volunteered, they disappeared, with the stronger ones being taken first.<sup>2202</sup>
- iv. In August or September 1978, a witness who climbed up a tree 300 metres east of Tuol Seh Nhauv saw 20 Khmer Krom being marched in two queues; in the evening, a person who fished with him told him in the kitchen that those people had been taken to be killed.<sup>2203</sup> The source of knowledge of the hearsay is however unknown.

<sup>2198</sup> **D118/254**, Written Record of Interview of Witness Nget Loy, 9 June 2014, ERN 01025232-01025233, A29-A36, ERN 01025234, A40.

<sup>2199</sup> **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986710-00986711, A19-A21, 00986718-00986719, A71-A76.

<sup>2200</sup> **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981831, A25-A26, ERN 00981835, A55, ERN 00981836, A58, ERN 00981839, A81; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986718-00986719, A75-A76; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055753, A65; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116103-01116104, A47-A48, A62-A64, ERN 01116105-01116106, A77-A84. *See also* **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986701, A104-A105; **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185, A65-A66, A68; **D219/225**, Written Record of Interview of Witness █████ Sieng, 14 March 2015, ERN 01112238, A54; **D219/342**, Written Record of Interview of Witness Saeun Thoeun, 27 May 2015, ERN 01116075, A68, ERN 01116079, A111.

<sup>2201</sup> **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986717-00986718, A66-A71.

<sup>2202</sup> **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986717, A66, ERN 00986718, A71-A75.

<sup>2203</sup> **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986185, A65-A66, A68.



- v. Two witnesses who worked and lived near Tuol Seh Nhauv recall hearing gunshots, and one of them recounts hearing the Khmer Krom elderly and children screaming sometime in late 1978.<sup>2204</sup>
- vi. One witness, who saw thousands of Khmer Krom from nearby villages being brought to Tuol Seh Nhauv in 1977, recounts that about 100 Khmer Krom were brought to a pit surrounded by a bamboo fence and shot dead by DK cadres. He states that Khmer Krom were killed in further incidents over a period of 5 to 6 months.<sup>2205</sup> His source of knowledge and the exact location of the pit are unclear, however, the overall evidence supplies credibility to the account.
- vii. One civil party applicant recounts a meeting at Koh Run in December 1977, where Yeay Rim was present and “a man” instructed unit leaders and other leaders to do the biographies of the “two millions of Khmer Krom, all of whom are Yuon spies”.<sup>2206</sup> Upon their return, unit leaders made the biographies of 300 people per day and Khmer Krom who revealed their background were sent to Khnar Totueng.<sup>2207</sup> The applicant, himself sent to Khnar Totueng in mid-to-late 1978, heard that killings of Khmer Krom took place at Tuol Seh Nhauv.<sup>2208</sup>

#### Other evidence regarding killings

806. In 1978, one civil party applicant was mistaken for an East Zone Evacuees as he was wearing a blue scarf which was used during DK to identify persons being from the East Zone. He was taken with 20 East Zone Evacuees and detained in a cattle shed in Tuol Seh Nhauv. He survived because his Battlefield Committee and Village Chairman told

00986185-00986186, A69-A75.

<sup>2204</sup> **D118/193**, Written Record of Interview of Witness Vorn Moch, 27 February 2014, ERN 00986200-00986201, A65-A68, A71; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677, A48-A50, ERN 00986680, A68. *See also* **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979976, A55-A56.

<sup>2205</sup> **D6.1.757**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 29 September 2009, ERN 00387502.

<sup>2206</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986696-00986697, A70, A73, A75.

<sup>2207</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986697, A71, ERN 00986698, A80-A81.

<sup>2208</sup> **D118/189**, Written Record of Interview of Civil Party Applicant Phan Saray, 25 February 2014, ERN 00986699-00986700, A86, A93, A95, A98.



the other cadres that he was not from the East Zone. He saw the other 20 East Zone Evacuees, tied up, being beaten to death with bamboo clubs by the militiamen.<sup>2209</sup>

807. Sometime between 1977 and 1978, several witnesses saw corpses and pits at Tuol Seh Nhauv; one describes seeing one-metre-long clubs, a lot of blood, and “*four new big graves*” filled with partially buried naked bodies.<sup>2210</sup>
808. Soon after 7 January 1979, one witness saw “*piles of swollen corpses*” of men, women, children and elderly in black civilian clothes, some with scars suggesting they had been beaten.<sup>2211</sup> In February 1979, one witness saw five graves of 2 to 3 metres deep: three squared ones of 4, 16 and 64 square metres, and two 30 and 40-metre long ones, respectively 4 and 3 metres wide.<sup>2212</sup> In mid-1979, another witness observed “*thousands of bodies*” in pits at Tuol Seh Nhauv; their arms were tied behind their backs, some completely decomposed, others dried up.<sup>2213</sup> One witness who went there in 1980 saw at least 50 clothed men and women, with no signs of having been tied up prior to execution, in the two graves located during the site identification, and another 50 bodies in a third pit.<sup>2214</sup> In 1983 or 1984, Rumlech villagers placed the bones, that were both scattered above and in the pits, in Rumlech Pagoda with the help of loaded tractors; one of them estimates there were 6,000 to 7,000 skulls, some with cracks at the rear.<sup>2215</sup> Finally, two graves of one metre deep were located during the site identification, one being 6 x 6 metres, and the other being around 1 x 3 metres.<sup>2216</sup>

<sup>2209</sup> **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985081-00985083, A25-A39. *See also* **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986707, ERN 00986722, A99-A100.

<sup>2210</sup> **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055751, A54, ERN 01055753, A63, A65, ERN 01055754, A70, A73; **D6.1.758**, Written Record of Interview of Civil Party Applicant Chab Khuong, 13 September 2009, ERN 00387496. *See also* **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207562, A47-A48, ERN 01207569-01207570, A103-A105.

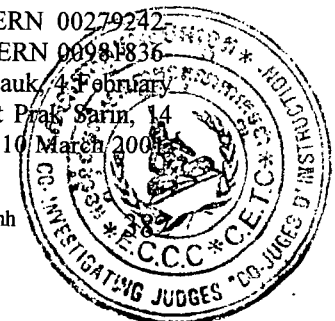
<sup>2211</sup> **D118/241**, Written Record of Interview of Witness Thach Sok, 19 May 2014, ERN 01040489, A10, ERN 01040495, A44, ERN 01040496, A45, A48-A49, ERN 01040497, A52-A54.

<sup>2212</sup> **D118/12**, Site Identification Report of Tuol Seh pits, 18 January 2013, ERN 00882691; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981836, A62, ERN 00981837, A65. *See also* **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279242, ERN 00279245; **D118/147.1.43**, Investigative Report conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527127.

<sup>2213</sup> **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279242.

<sup>2214</sup> **D118/12**, Site Identification Report of Tuol Seh pits, 18 January 2013, ERN 00882691.

<sup>2215</sup> **D6.1.140**, Written Record of Interview of Witness Thach Sokh, 15 December 2008, ERN 00279242-00279246; **D118/175**, Written Record of Interview of Witness Voern Dara, 5 February 2014, ERN 00981836-00981837, A59-A66; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981766, A85; **D118/202**, Written Record of Interview of Civil Party Applicant Prak Sarim, 14 March 2014, ERN 00986207, A11 *confirming* **D347/2.1.11**, DC-Cam Statement of Prak Sarim, 10 March 2008.





809. In light of the above, several thousand victims were killed at Tuol Seh Nhauv, mostly Khmer Krom.

*Visits by Yim Tith*

810. There is no evidence of **Yim Tith** visiting Tuol Seh Nhauv.

*5.5.3.4 Prey Krabau Execution Site*

*Location and establishment*

811. Prey Krabau<sup>2217</sup> was a killing site located in a forested area within Prey Krabau Village, in Khnar/Thnal Totueng Commune, Bakan District, Sector 2 of the Northwest Zone, Pursat Province, along a path between a pond to its west and a rice field to its east.<sup>2218</sup> One witness, visiting the site after 1979, describes it containing a one-metre deep grave measuring around 10 x 10 metres.<sup>2219</sup> There was at least one corral in Prey Krabau, used to gather people prior to killing them.<sup>2220</sup> The area is now covered in rice fields.<sup>2221</sup>

ERN 00197565, ERN 00197582-00197583. See also **D219/184**, Written Record of Interview of Witness Ham Sinuon, 13 February 2015, ERN 01079316, A26. *Contra* **D118/193**, Written Record of Interview of Witness Vorn Moch, 27 February 2014, ERN 00986201, A69-A70.

<sup>2216</sup> **D118/12**, Site Identification Report of Tuol Seh pits, 18 January 2013, ERN 00882691.

<sup>2217</sup> Alternative spellings: Krabao/Krabao forest: D118/123, Written Record of Interview of Civil Party Applicant Thoek Yoeun, 8 October 2013, ERN 00975878, A42; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104, A60; **D219/225**, Written Record of Interview of Witness ██████ Sieng, 14 March 2015, ERN 01112234, A2; Kro/Kra Baov: D118/147.1.43, Investigative Report conducted by the Khmer Krom Human Rights Association (KKKHRA) and AJA in Pursat, Takeo and Kampong Chhnang Provinces, 25 November 2009, ERN 00527083, 00527091-00527092; Preaek Krabau: D5/202/4, Supplementary Information of Civil Party Applicant Sles Ei, 14 August 2015, ERN 01155658; Kabao: D347/2.1.11, DC-Cam Statement of Prak Sarim, 10 March 2001, ERN 00197582; Kra Baou/Krabaou: D118/304, Written Record of Interview of Witness Phos Chhean, 5 September 2014, ERN 01045507, A17; **D219/639**, Written Record of Interview of Civil Party Applicant Keo Meur, 5 January 2016, ERN 01198195, Q105; Kabav: D6.1.758, Written Record of Interview of Civil Party Applicant Chab Khuong, 13 September 2009, ERN 00387496.

<sup>2218</sup> **D118/13**, Site Identification Report of Prey Krabau Killing Site, 22 January 2013, ERN 00882695.

<sup>2219</sup> **D118/13**, Site Identification Report of Prey Krabau Killing Site, 22 January 2013, ERN 00882695. See also **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600, A75.

<sup>2220</sup> **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roeun, 8 October 2013, ERN 00975866-00975867, A47-A48 *confirming* **D5/115**, Civil Party Application of Thoek Bun Roeun, 9 July 2009, ERN 00426904; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116105, A77-A78. See also **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2015, ERN 01116094, A94; **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savoeun, 11 October 2013, ERN 00978758, A50-A52, ERN 00978759, A56.

<sup>2221</sup> **D118/13**, Site Identification Report of Prey Krabau Killing Site, 22 January 2013, ERN 00882695. See also **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600, A75. **D219/188**, Written Record of Interview of Witness ██████ Khorn, 17 February 2015, ERN 01106441, A117.



812. It was used as a killing site at least from mid-1977 until at least one month prior to the Vietnamese arrival in Prey Krabau.<sup>2222</sup>

*Structure and personnel*

813. Killings at Prey Krabau were carried out by 20 guards and militiamen from Srong Cooperative including the Srong Cooperative Battlefield Committee Chief █████ Khorn, militia chief Khem, militia deputy chairman Suon, unit chiefs Choeun, Lorn, and Siet, and militiamen Men, Eng, Sieng, and Phen.<sup>2223</sup> Executioners at Tuol Seh Nhauv were militiamen from Khnar Totueng Cooperative, including militia chairman Pech and Mei, Sun, Sai/Say, Sambath, Roem, and Huot.<sup>2224</sup>

*Killings and disappearances*

Khmer Krom

814. █████ Khorn attended a meeting around August 1978 hosted by Yeay Rim where she described a plan to “sweep clean” the Khmer Krom people. They were to be rounded-up and killed in their local cooperatives including Khnar Toteung. The witness was placed in charge of the killing of Khmer Krom in Srong Cooperative. He estimates that “over 100” Khmer Krom adults, children, and infants were sent to his cooperative and killed west of Prey Krabau, where he witnessed his subordinates striking the Khmer

<sup>2222</sup> **D118/223**, Written Record of Interview of Civil Party Applicant Koem Huoy, 21 April 2014, ERN 01057644, A35; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981764-00981765, A72; **D118/122**, Written Record of Interview of Civil Party Applicant Thoek Bun Roen, 8 October 2013, ERN 00975866-00975867, A48 *confirming* **D5/115**, Civil Party Application of Thoek Bun Roen, 9 July 2009, ERN 00426904-00426905; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025249-01025251, A57-A59, A61, A66-A68; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440, A111-A114, ERN 01106442, A128; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986679, A66-A67, ERN 00986680, A68.

<sup>2223</sup> **D219/187**, Written Record of Interview of Witness █████ Khorn, 16 February 2015, ERN 01104744, A6-A8, ERN 01104750, A60; **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440, A112, ERN 01106441, A116-A118, ERN 01106444, A143; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207562-01207563, A50-A59; **D118/238**, Written Record of Interview of Witness Kol Set, 16 May 2014, ERN 01040479, A93-A94; **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116106, A81-A82; **D219/225**, Written Record of Interview of Witness █████ Sieng, 14 March 2015, ERN 01112236, A29-A30, A32.

<sup>2224</sup> **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440, A112; **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207562-01207563, A50-A59; **D118/191**, Written Record of Interview of Civil Party Applicant Nget Chat, 26 February 2014, ERN 00986719, A76, A78, A80, ERN 00986720, A81; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055752-01055753, A60-A61; **D118/197**, Written Record of Interview of Civil Party Applicant Yean Phan, 10 March 2014, ERN 00985083, A39-A41, ERN 00985085, A51, A54; **D118/256**, Written Record of Interview of Witness Seng Eng, 10 June 2014, ERN 01025249-01025251, A57-A59, A61, A66-A68.



Krom with a one-metre long club and slitting their throats with M-16 rifle bayonet. He watched as the bodies were buried in a pit.<sup>2225</sup>

815. On an unknown date in 1978, one former militiaman saw 200 to 300 Khmer Krom parents and their young children being escorted in rows of 50 to 60 people, from Khnar Totueng to Prey Krabau around 5 p.m.<sup>2226</sup> At 10 p.m., he was ordered to collect their clothes and bags and saw pits filled with bodies.<sup>2227</sup> The only reasonable inference is that these people were killed. While he claims that these people were neither tied up nor escorted,<sup>2228</sup> and that he did not participate in the killings and was only assigned to petty work,<sup>2229</sup> evidence shows that he participated in these killings. It is therefore likely that the witness minimised his role and possibly also the scale of the incident.

816. Several witnesses and civil party applicants describe that on an unspecified date 200 to 350 Khmer Krom families, totalling at least 1,000 people, being ostensibly sent to Kamprak Koun Village in Khnar Totueng Commune to harvest corn. Instead, they were placed in a corral or cow-shed and killed at Prey Krabau.<sup>2230</sup> One civil party applicant explains that Khmer Krom were taken to Prey Krabau by ox-cart at 9 a.m. At 4 p.m., the applicant saw cart loads of their clothing and property being returned.<sup>2231</sup> Although the dates given vary from September 1976 to late 1978, this event had to have occurred after the Khmer Krom were sent *en masse* to Khnar Totueng Commune, i.e. sometime between late 1977 and late 1978.<sup>2232</sup> Furthermore, two witnesses explained that the

<sup>2225</sup> **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440-01106442, A111-A131.

<sup>2226</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104-01116105, A62-A73. *See also* **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106440-01106441, A112-A115.

<sup>2227</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104-01116105, A62-A73. *See also* **D219/188**, Written Record of Interview of Witness █████ Khorn, 17 February 2015, ERN 01106441, A118.

<sup>2228</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104, A66.

<sup>2229</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116104, A62, ERN 01116105, A75-A76.

<sup>2230</sup> **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986184-00986185, A65-A68 *confirming* **D5/111**, Civil Party Application of Ven Van, 10 July 2009, 00426924; **D118/122**, Written Record of Interview of Civil Party Applicant Thoeuk Bun Roeun, 8 October 2013, ERN 00975866-00975867, A48 *confirming* **D5/115**, Civil Party Application of Thoeuk Bun Roeun, ERN 00426904-00426905; **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055755-01055756, A78-A82. *See also*; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981764-00981765, A71-A72.

<sup>2231</sup> **D118/192**, Written Record of Interview of Civil Party Applicant Ven Van, 27 February 2014, ERN 00986184-00986185, A65-A68 *confirming* **D5/111**, Civil Party Application of Ven Van, 10 July 2009, 00426924.

<sup>2232</sup> *See Killing operations in Sector 2*, para. 249.



mass killing of Khmer Krom at Prey Krabau occurred in the second stage/wave of killings in 1977 if not late in the year.<sup>2233</sup> Therefore, based on a totality of the evidence, this incident must have occurred in either late 1977 or in 1978, and the witnesses who state otherwise are mistaken about the dates.

817. On two occasions, a former group leader in Srong Cooperative<sup>2234</sup> who worked near Prey Krabau recounts seeing armed militia boys, escorting 20 to 30 people, including families of young and old, male and female, from Rumlech to Prey Krabau. While he initially places these events in 1976 and 1977,<sup>2235</sup> the remainder of the evidence suggests that it occurred later, as he explains that the mass killing of the Khmer Krom did not start until 1977 or 1978.<sup>2236</sup> In fact, in 1977 or 1978, the Srong Battlefield Committee Chief told him that they had killed all the Khmer Krom.<sup>2237</sup> Therefore, based on the totality of the evidence, these incidents must have occurred in either late 1977 or 1978,<sup>2238</sup> and the witness is mistaken about the dates.
818. One civil party applicant, whose grandparents were Khmer Krom, recounts that his brother and three cousins disappeared following their arrest and after having been sent to a hospital. The hospital staff told the applicant that his relatives had been taken to Prey Krabau.<sup>2239</sup>
819. Another civil party applicant recalls a meeting in Khnar Totueng in 1978 attended by various Southwest Zone female cadres where children of 'mixed parents' were being screened. She recounts that Yeay Rim asked children to choose whether they wanted to live with their Khmer parent or their Khmer Krom parent. While those who chose the former were allowed to live in the village, the latter were sent for execution at Prey

<sup>2233</sup> **D118/226**, Written Record of Interview of Civil Party Applicant Nget Vut, 23 April 2014, ERN 01055755-01055756, A78-A82, 84; **D118/173**, Written Record of Interview of Civil Party Applicant Van Chauk, 4 February 2014, ERN 00981764-00981765, A71-A72.

<sup>2234</sup> **D219/221**, Written Record of Interview of Witness ██████ Sieng, 10 March 2015, ERN 01104768, A96-A97; **D219/225**, Written Record of Interview of Witness ██████ Sieng, 14 March 2015, ERN 01112240, A80.

<sup>2235</sup> **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116088, A18-A21, ERN 01116090, A41, ERN 01116091-01116092, A51-A60, A64.

<sup>2236</sup> **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116092, A67.

<sup>2237</sup> **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116092-01116093, A70-A74, A76. *See also* **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986675-00986676, A38-A40.

<sup>2238</sup> *See* **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116092, A67; **D219/188**, Written Record of Interview of Witness ██████ Khorn, 17 February 2015, ERN 01106440-01106443, A112-A121, A128-A132.

<sup>2239</sup> **D219/243**, Written Record of Interview of Civil Party Applicant Van Sang, 28 March 2015, ERN 01092987, A3, ERN 01092988, A14 *confirming* **D5/164/1**, Report on Civil Party Application of Van Sang, 29 June 2015, ERN 00780699.



Krabau. The applicant attributes her survival to her choice to live with her Khmer mother and recounts that her Khmer Krom father was killed at Prey Krabau, along with “hundreds” of Khmer Krom. One month later, DK cadres screened middle-aged people and took them away, followed by the elderly.<sup>2240</sup>

#### Other evidence of killings

820. The former chief of Srong Cooperative Battlefield Committee explained that in late 1978, they received an order from Yeay Rim to kill the East Zone people. Subsequently, his cooperative chairperson from Kampong Chhnang instructed him to kill the East Zone Evacuees. The witness was in charge of killing East Zone Evacuees on a site “south of Koh Andet Village”. He participated in the killings which lasted for three months until the Vietnamese arrived in 1979. He estimates that among the nearly 400 East Zone Evacuees brought to Srong Cooperative, over 300 were killed, and about 50 escaped when the Vietnamese arrived.<sup>2241</sup> Despite Koh Andet being only 150 to 600 metres from Prey Krabau and the Srong militia being in charge at both, it is unclear whether this specific site south of Koh Andet can be regarded as an integral part of Prey Krabau Killing Site.

821. Several testimonies demonstrate that East Zone Evacuees and other people were gathered into corrals in the Prey Krabau area prior to being killed:

- i. One witness recalls that, on an unknown date in late 1978 or early 1979, East Zone Evacuees were gathered in a fenced corral in Prey Krabau. When the corral fence broke, people ran away and he heard gunshots around 1 p.m.. Srong Cooperative Committee ordered him to go collect the victims’ clothes; he saw around 200 dead bodies of adults and young children all over the corral and across rice fields. The next day, he was ordered to bury the corpses.<sup>2242</sup> Given that it is unclear when in late 1978 or early 1979 this happened, it cannot be excluded that this event took place after 6 January 1979 and hence outside the Court’s temporal jurisdiction.

<sup>2240</sup> **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986677-00986680, A47-A49, A51-A54, A56-A68.

<sup>2241</sup> **D219/188**, Written Record of Interview of Witness ██████ Khorn, 17 February 2015, ERN 01106442, A126, ERN 01106443-01106445, A133-A151.

<sup>2242</sup> **D219/345**, Written Record of Interview of Witness Noem Lorn, 29 May 2015, ERN 01116105, A77-A86.



- ii. A former Srong Cooperative militiaman recalls that on a day one month prior to the arrival of the Vietnamese troops, at around 9 a.m., at least 100 evacuees from different places, including Khmer Krom, were ordered to enter in a corral in Koh Andet Village, 150 metres away from Prey Krabau, for a meeting. The corral was about 10 by 15 metres, surrounded by a metre-high barbed wire, and guarded by 20 cadres carrying machetes, as well as armed militiamen. As people panicked, the fence broke; militiamen and cadres started hacking and shooting people to death for around 10 minutes. The witness was ordered, along with five other militiamen, to catch and kill those who escaped and fled into Prey Krabau. He claims that only three or four men had escaped and that his group was unsuccessful in catching them. Half a month prior to this incident, militiamen attended a meeting at the District Office in Rumlech Commune where they were instructed to kill East Zone Evacuees because they were “CIA spies”.<sup>2243</sup>
- iii. Corroborating the accounts above, another witness claims to have been told by a small group chief in 1977 or 1978 that East Zone Evacuees had been killed by militiamen and soldiers. Confronted with a testimony stating that he was present during the killings of East Zone Evacuees at Koh Andet/Prey Krabau, the witness denies having taken part in the killings but acknowledges having been 300 to 400 metres away and hearing that East Zone Evacuees were detained in a corral surrounded by thorns. He claims that he did not see anything nor heard gunshots, only shouting. Given that he is named as an important group leader by other witnesses, it is likely that he is minimising both his knowledge of the incident and his role.<sup>2244</sup> While he is therefore unreliable on this aspect, his account further corroborates that East Zone Evacuees were killed in a corral near Prey Krabau.
- iv. One witness heard Yeay Rim telling her colleagues to “gather [East Zone Evacuees] and put them into the corral”. He then heard that East Zone Evacuees were put into a corral near Srong Pagoda and killed. At least one month prior to the arrival of the Vietnamese troops, a woman whose throat was bleeding ran into

<sup>2243</sup> **D219/225**, Written Record of Interview of Witness ██████ Sieng, 14 March 2015, ERN 01112233-01112240, A2, A12 -A84, ERN 01112241, A86-A89. See also **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116092, A57, ERN 01116093, A83.

<sup>2244</sup> **D219/344**, Written Record of Interview of Witness Sok Phe, 28 May 2105, ERN 01116094-01116095, A85, A104.



his house, and told him that she had just escaped from the corral near Srong Pagoda, and that thousands of East Zone Evacuees had been killed there.<sup>2245</sup>

- v. Another civil party applicant describes what seems to be the same incident, although he seems to put it in late January 1979: thousands of East Zone Evacuees were gathered in a corral built south of Srong Pagoda in Svay Village, Srong Cooperative, following the announcement through megaphone that a ceremony was to be held. The applicant, who escaped, recounts that guards were dispatched inside the corral, some of whom were armed with knives and clubs. Horsemen were deployed outside, ready to shoot anyone who attempted to flee. As soon as East Zone Evacuees entered the corral, they were beaten to death and shot. He also recounts that thousands were killed.<sup>2246</sup> Given the previous account, this civil party applicant is probably mistaken about the date.
822. These accounts read together demonstrate that killings occurred at a corral near Prey Krabau one month prior or even closer to the arrival of the Vietnamese.
823. In late 1978 and after the fall of DK, blue scarves were observed at Prey Krabau among corpses.<sup>2247</sup>
824. The number of killings of Khmer Krom at Prey Krabau from late 1977 through the end of 1978 is as follows: 100 (paragraph 814), 200 (paragraph 815), 1,000 (paragraph 816), 40 (paragraph 817), and 4 (paragraph 818) totalling **1,344** people. **2,000** East Zone Evacuees were also killed in a corral near Prey Krabau, most likely many more. Therefore, a conservative estimate of **3,344** victims were killed at Prey Krabau.
825. These numbers are further corroborated by evidence of mass graves. For example, in 1978, witnesses saw naked corpses, mostly women, piled up at Prey Krabau with some showing open wounds and marks of machetes; former Srong militiaman describes

<sup>2245</sup> **D219/587**, Written Record of Interview of Witness Sok Pan, 4 November 2015, ERN 01178738-01178740, A111-A114, A116, A118-A123.

<sup>2246</sup> **D118/126**, Written Record of Interview of Civil Party Applicant Mey Savooun, 11 October 2013, ERN 00978758-00978759, A49-A57 *confirming* **D5/197**, Civil Party Application of Mey Savooun, 23 January 2010, ERN 01313274.

<sup>2247</sup> **1978: D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979975-00979976, A46-A51. *Post DK: D118/213*, Written Record of Interview of Civil Party Applicant Yoem Khon, 1 April 2014, ERN 00986242, A102.



“several hundred bodies”.<sup>2248</sup> Soon after DK, two witnesses saw unburied corpses, bones and skulls scattered all over the ground and in open pits in Prey Krabau.<sup>2249</sup> In 1979, three or four tractor loads of bones were transported to a stupa.<sup>2250</sup> A witness, who saw bones and human remains at the killing site after UNTAC arrived, estimates that there were around 200 to 300 bodies.<sup>2251</sup>

### *Visits by Yim Tith*

826. There is no evidence of **Yim Tith** visiting Prey Krabau.

#### 5.5.3.5 Chanreangsei Pagoda Execution Site

827. Chanreangsei Pagoda, also known as Rumlech Pagoda, was located in Rumlech Village, Rumlech Commune, Bakan District, Sector 2.<sup>2252</sup>

828. A group of East Zone Evacuees was killed at Chanreangsei Pagoda after the Vietnamese forces had already reached Pursat Province,<sup>2253</sup> which did not occur until after 7 January 1979.<sup>2254</sup> These killings therefore occurred outside of the temporal jurisdiction of the ECCC.

<sup>2248</sup> **D219/225**, Written Record of Interview of Witness █████ Sieng, 14 March 2015, ERN 01112233-01112234, A2, ERN 01112238, A51; **D118/127**, Written Record of Interview of Civil Party Applicant Pov Sinuon, 10 October 2013, ERN 00979975, A46-A47.

<sup>2249</sup> **D118/177**, Written Record of Interview of Witness Lorn Heng, 6 February 2014, ERN 00981792, A74-A75; **D219/223**, Written Record of Interview of Witness Nuon Rin, 12 March 2015, ERN 01088600, A75.

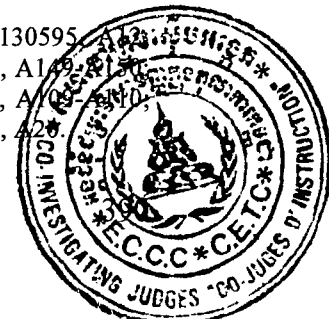
<sup>2250</sup> **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207562, A49, ERN 01207564, A68; **D118/188**, Written Record of Interview of Civil Party Applicant Tit Sophary, 24 February 2014, ERN 00986675, A31-A32; **D118/124**, Written Record of Interview of Civil Party Applicant Kim So, 9 October 2013, ERN 00975897, A107.

<sup>2251</sup> **D118/13**, Site Identification Report of Prey Krabau Killing Site, 22 January 2013, ERN 00882695.

<sup>2252</sup> **D118/14**, Site Identification Report of Chanreangsei Pagoda Execution Site & Kaun Thnoat Village Mass Graves, 23 January 2013, ERN 00882951-00882953.

<sup>2253</sup> **D118/217**, Written Record of Interview of Civil Party Applicant Mey Sam, 4 April 2014, ERN 00985662, A59-A62; **D118/122**, Written Record of Interview of Civil Party Applicant Thoe Bun Roeun, 8 October 2013, ERN 00975867-00975868, A54-A57; **D118/1**, Written Record of Interview of Witness Uk Soeum, 14 December 2012, ERN 00876120, A16; **D219/639**, Written Record of Interview of Civil Party Applicant Keo Meur, 5 January 2016, ERN 01198188, A63-A64, ERN 001198190, A71-A73; **D6.1.143**, Written Record of Interview of Witness Chak Muli, 14 January 2009, ERN 00288205-00288206. Cf. **D219/664**, Written Record of Interview of Witness Khiev Phan, 28 January 2016, ERN 01207569, A98-A102; **D118/216**, Written Record of Interview of Witness Hang Nget, ERN 00985647-00985648, A75-A78.

<sup>2254</sup> See **D219/396**, Written Record of Interview of Witness Sin Ban, 28 June 2015, ERN 01130595, A145; **D219/50**, Written Record of Interview of Witness Uy Chinda, 21 October 2014, ERN 01056862, A145; **D219/263**, Written Record of Interview of Witness Luy Chhaim, 8 April 2015, ERN 01097415, A145; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969641, A145.





### 5.5.4 Sector 3

#### 5.5.4.1 Wat Kirirum Security Centre

##### *Location and establishment*

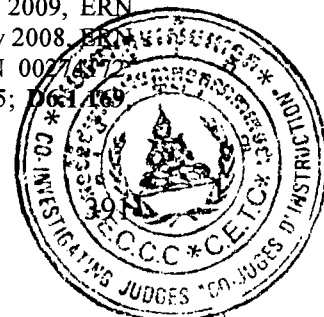
829. Wat Kirirum Security Centre was in Phnom Sampeou Commune, Phnom Sampeou District, in Sector 3 of the Northwest Zone.<sup>2255</sup>
830. The security centre consisted of two jointly operated detention facilities: Wat Kirirum at the top of Phnom Sampeou hill, and a detention facility in the valley, approximately 200 to 300 metres west of the bottom of the stairs leading up Phnom Sampeou, which was built by the Southwest Zone cadres in late 1977 or early 1978.<sup>2256</sup> This prison, referred to as Chanlong Kdaong or the “*police site*”, consisted of an area of approximately 200 by 500 metres, was surrounded by a 2.5 metre high wire fence, and contained approximately five large as well as a number of smaller buildings.<sup>2257</sup>
831. At the top of Phnom Sampeou, 70 metres from Wat Kirirum pagoda, were three caves used as mass graves: La-ang Teng Khluon, La-ang Lakhaon, and La-ang Kangkep.<sup>2258</sup>

<sup>2255</sup> **D6.1.150**, Report of the Execution of Rogatory Letter: Site Identification Report, 21 April 2009, ERN 00363388-00363389; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315904; **D6.1.173**, Written Record of Interview of Witness Um Saroeun, 19 June 2008, ERN 00274619; **D118/76**, Written Record of Interview of Witness Chuch Punlork, 21 June 2013, ERN 00976625, A8. Alternative transliterations: Phnom Sampeou/Sampov, *see* preceding citations in this footnote and citations in next footnote.

<sup>2256</sup> Chanlong Kdaong: **D6.1.170**, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197, ERN 00274198; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; **D6.1.166**, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274164, ERN 00274168-00274169; **D6.1.172**, Written Record of Interview of Witness Phe Soeu, 19 June 2008, ERN 00274610. *See also* **D219/415**, Written Record of Interview of Witness Dy Piech, 11 July 2015, ERN 01133075-01133076, A1, ERN 01133077, A3, ERN 01133080, A4, A6, ERN 01133081, A8, A9. Chanlong Kdaong was also referred to as the “police site” by local villagers: **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274; **D6.1.170**, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197; **D6.1.172**, Written Record of Interview of Witness Phe Soeu, 19 June 2008, ERN 00274610. There may have also been a detention site at “the old commune office, about 500 to 600 metres north of Kirirum Pagoda”, but the CIJs are not seized of this site: **D118/108**, Written Record of Interview of Witness Lim Tim, 24 September 2013, ERN 00976930, A60-A63.

<sup>2257</sup> **D219/666**, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204295, A74; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274; **D6.1.173**, Written Record of Interview of Witness Um Saroeun, 19 June 2008, ERN 00274619; **D6.1.128**, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250279; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; **D6.1.172**, Written Record of Interview of Witness Phe Soeu, 19 June 2008, ERN 00274610.

<sup>2258</sup> **D6.1.150**, Report of the Execution of Rogatory Letter: Site Identification Report, 21 April 2009, ERN 00363390-00363395; **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275103; **D6.1.167**, Written Record of Interview of Witness Pen Leap, 18 June 2008, ERN 00274619; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250275; **D6.1.169**, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274193.



832. Although Chanlong Kdaong was not built until late 1977 or early 1978, eye-witnesses saw people being arrested and taken up Phnom Sampeou in mid-1976 and early 1977, indicating that Wat Kirirum was operational as a security centre under the Northwest Zone cadres.<sup>2259</sup> Both facilities remained in operation until the arrival of Vietnamese troops in the area in January 1979.<sup>2260</sup>

*Structure and personnel*

833. Wat Kirirum Security Centre was guarded by armed militia; some of the guards were adults but many were children and youths aged between 12 and 17.<sup>2261</sup>

834. There is insufficient evidence to establish which level of CPK hierarchy controlled the security centre. One local villager states that the site was under the control of Phnom Sampeou District, but his basis of knowledge is unclear.<sup>2262</sup> Another witness states that a man named Ta Eng was responsible for killings at Phnom Sampeou. The witness clarifies that he met Ta Eng in 1975 and that a soldier later told him that he was the police chief of Phnom Sampeou and “the killer of people there”.<sup>2263</sup> However, even if this uncorroborated hearsay evidence were to be accepted, it would remain unclear what role Ta Eng played with regard to the Wat Kirirum Security Centre. The evidence allows no conclusion, either, about the attachment of the site to the administrative hierarchy: there is no indication that it was a zone level site, and it is unclear whether it was a sector or district level site. However, in any event it was within Sector 3 and, absent any evidence that it was reassigned to Sector 4 or 5, must have remained part of that sector’s chain of command.

<sup>2259</sup> Mid-1976: D6.1.168, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274178. Early 1977: D6.1.128, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250278-00250279; D219/651, Written Record of Interview of Witness Pech Pek, 16 January 2016, ERN 01207474-01207475, A33-A37. Cf. 1975: D6.1.115, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275401; D6.1.118, Written Record of Interview of Witness Duch Phleu, 27 August 2008, ERN 00275433. *Contra* D6.1.165, Written Record of Interview of Witness Im An, 17 June 2008, ERN 00274161.

<sup>2260</sup> D6.1.132, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250275; D6.1.118, Written Record of Interview of Witness Duch Phleu, 27 August 2008, ERN 00275435; D6.1.115, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275402; D6.1.116, Written Record of Interview of Witness Tes Heanh, 27 August 2008, ERN 00275412.

<sup>2261</sup> D219/666, Written Record of Interview of Witness Yang Sariieb, 27 January 2016, ERN 01204289, A49; D6.1.132, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274-00250275; D6.1.169, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274192; D6.1.362, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905.

<sup>2262</sup> D6.1.168, Written Record of Interview of Prum Sarun, 18 June 2008, ERN 00274180.

<sup>2263</sup> D219/697, Written Record of Interview of Witness Nok Chhiet, 24 February 2016, ERN 01213443, A36.



*Arrests and detention*

835. The evidence allows the conclusion that following the arrival of the Southwest Zone cadres, Northwest Zone cadres in Phnom Sampeou District were arrested and many disappeared,<sup>2264</sup> yet the precise circumstances remain uncertain. One witness states that most of them were taken to Wat Kirirum, but his basis of knowledge is unclear.<sup>2265</sup> Another witness heard that they were killed on top of Phnom Sampeou, but this hearsay evidence is of unknown origin.<sup>2266</sup> On balance, and bearing in mind the standard of proof during the investigation stage, the evidence is sufficient to make a finding that at least some Northwest Zone cadres were killed at Wat Kirirum Security Centre.
836. People were transported to Wat Kirirum Security Centre in trucks. Witness Yang Sarieb, who during DK was the chief of a children's unit from a nearby village, saw "huge trucks" transporting detainees to Chanlong Kdaong once a day in the evening or night over the course of one month in mid-1978.<sup>2267</sup> Although she does not know how many detainees were in the trucks, it can be assumed that trucks would be loaded to capacity and it can be reasonably regarded as accurate that one truck held at least 14 people, because in late 1978 a witness saw prison guards unload 14 people out of a truck and lead them up the stairs towards Wat Kirirum.<sup>2268</sup> This gives a total of 420 people (30 trucks of 14 people) arising from Yang Sarieb's account.
837. Another witness saw CPK cadres transport "two full truckloads" of detainees to Phnom Sampeou "on 16 or 17 April 1979".<sup>2269</sup> While it is likely that the witness places this incident in the wrong time period because it would have occurred months after the

<sup>2264</sup> See e.g. **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954059, A22; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A12; **D6.1.117**, Written Record of Interview of Witness Dy Piech, 27 August 2008, ERN 00275425; **D6.1.118**, Written Record of Interview of Witness Duch Phleu, 27 August 2008, ERN 00275434; **D6.1.127**, Written Record of Interview of Witness Sun Sat, 18 November 2008, ERN 00250284; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250273; **D219/415**, Written Record of Interview of Witness Dy Piech, 11 July 2015, ERN 01133075-01133076, A1; **D118/67**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950716-00950717, A31-A32. See also **D6.1.168**, Written Record of Interview of Prum Sarun, 18 June 2008, ERN 00274180; **D6.1.173**, Written Record of Interview of Um Saroeun, 19 June 2008, ERN 00274619; **D219/667**, Written Record of Interview Witness Hun Moeun, 28 January 2016, ERN 01204498, A22.

<sup>2265</sup> **D6.1.172**, Written Record of Interview of Witness Phe Soeu, 19 June 2008, ERN 00274610.

<sup>2266</sup> **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A12.

<sup>2267</sup> **D219/666**, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204293, A58-A64.

<sup>2268</sup> **D6.1.115**, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275402.

<sup>2269</sup> **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274-00250275.



arrival of the Vietnamese, it must on its face be excluded as falling outside the temporal jurisdiction of the ECCC.

838. The evidence is unclear about how many people were held at the security centre: between early 1977 and the end of DK, several witnesses observed chained detainees being walked up and down the stairs to Wat Kirirum pagoda by armed guards in groups of three to 20.<sup>2270</sup> Equally, in early 1978 a militiaman distributing medicine to villagers in the valley saw about 50 to 60 people detained at Chanlong Kdaong.<sup>2271</sup> To this figure in early 1978 can be added, without the risk of double-counting, those arriving by truck in mid-1978 (420), and late 1978 (14), giving a total minimum of 484.
839. Wat Kirirum Security Centre held men and women, including elderly people and children, and imprisonment and even death at the centre was sometimes used as a threat to make workers compliant.<sup>2272</sup> There is hearsay evidence of unknown origin that those accused of serious offences were taken to Wat Kirirum, while those accused of lighter offences were kept at Chanlong Kdaong Prison.<sup>2273</sup> This is, however, consistent with other more reliable hearsay evidence from a witness who was told by his platoon leader that Wat Kirirum was used for killing people, and Chanlong Kdaong served as a tempering site,<sup>2274</sup> as well as evidence that detainees at Chanlong Kdaong were generally not shackled, whereas those being led up and down Phnom Sampeou, and those detained in the pagoda, were shackled.<sup>2275</sup>

### *Conditions of detention*

840. Detainees at Chanlong Kdaong were forced to work breaking rocks, carrying lime or heavy objects, digging canals, growing vegetables, building fences, as well as raising

<sup>2270</sup> **D6.1.170**, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197; **D6.1.166**, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274164-00274165; **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275101-00275102; **D6.1.128**, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250278-00250279.

<sup>2271</sup> **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905.

<sup>2272</sup> **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; **D6.1.166**, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274165-00274166; **D6.1.165**, Written Record of Interview of Witness Im An, 17 June 2008, ERN 00274161; **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275102; **D219/666**, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204287, A42; **D6.1.168**, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274178.

<sup>2273</sup> **D6.1.173**, Written Record of Interview of Witness Um Saroeun, 19 June 2008, ERN 00274620; **D6.1.186**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950717, A37-A38.

<sup>2274</sup> **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275102.

<sup>2275</sup> See paras 838, 840-841.



pigs and cattle.<sup>2276</sup> Although generally detainees at Chanlong Kdaong were not shackled when performing labour, some were handcuffed and chained together.<sup>2277</sup> Detainees looked emaciated and sick.<sup>2278</sup> Detainees were occasionally marched in chains down to the canal at the bottom of the mountain to bathe,<sup>2279</sup> guards hit them on the head with clubs and gun butts if they moved too slowly.<sup>2280</sup>

841. In June or July 1978 witness Yang Sarieb went to Phnom Sampeou in search of bat manure to use as fertiliser and heard people screaming. She followed the sound through the jungle and rocks until she came to Wat Kirirum. The doors and windows of the pagoda were open, which allowed her to see inside where there were four lines, each of eight detainees, who had been hung by their wrists about seven to nine inches above the ground.<sup>2281</sup> Underneath those were about 30 to 40 detainees who had their legs shackled and hands tied behind their backs, with some lying back-to-back and others arranged so that their feet pointed towards each other.<sup>2282</sup>

842. Several witnesses saw remnants of Wat Kirirum after the fall of DK; inside or near the temple building they observed shackles, steel bars, handcuffs, ropes, and clubs.<sup>2283</sup>

<sup>2276</sup> Breaking rocks: D6.1.128, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250279. Carrying lime or objects: D6.1.169, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274192; D6.1.170, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197. Digging canals, building fences, raising animals: D6.1.132, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250274-00250275. Growing vegetables: D6.1.170, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197.

<sup>2277</sup> D6.1.169, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274192; D6.1.362, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; D6.1.170, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197.

<sup>2278</sup> D6.1.128, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250278-00250279; D6.1.362, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; D6.1.169, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274192; D6.1.170, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197.

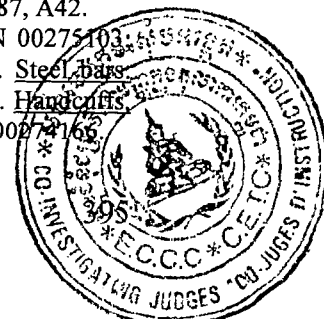
<sup>2279</sup> D6.1.128, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250278-00250279; D6.1.172, Written Record of Interview of Witness Phe Soeu, 19 June 2008, ERN 00274610; D6.1.170, Written Record of Interview of Witness Prak Phirun, 18 June 2008, ERN 00274197; D6.1.362, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905.

<sup>2280</sup> D6.1.362, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; D118/64, Written Record of Interview of Witness Pol Seun, 26 May 2013, ERN 00950699, A15; D6.1.132, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250275.

<sup>2281</sup> D219/666, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204287, A39, A41, ERN 01204288, A45-A46, ERN 01204289, A47-A48, A50, ERN 01204291-01204292, A58-A59.

<sup>2282</sup> D219/666, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204287, A42.

<sup>2283</sup> Shackles: D6.1.186, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00274103; D6.1.168, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274181. Steel bars: D6.1.128, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250279. Handcuffs: D6.1.166, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274166. Ropes and clubs: D6.1.166, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274166.



*Killings*

843. Although access to Phnom Sampeou was restricted, local villagers knew that Wat Kirirum was a killing site.<sup>2284</sup>
844. When witness Yang Sarieb went to Wat Kirirum in mid-1978, she saw guards cut open the stomach of a detainee who was still alive in order to remove his liver. There was a gutter draining the blood into a large basin. Yang Sarieb also saw a pan containing livers, although she does not know whether those were human livers.<sup>2285</sup> Afterwards, guards took her to the adjacent caves. At La-ang Teng Khluon Cave Yang Sarieb watched as guards tied two detainees' hands behind their backs, hit them with scantling and kicked them into the cave. At La-ang Lakhaon Cave the guards killed an adult detainee in the same manner, as well as two children who were thrown into the cave but were caught in tree branches. Yang Sarieb states that she saw the decomposed bodies of the children hanging in the branches when she returned to the site in 1982.<sup>2286</sup>
845. This evidence is partly corroborated by other witnesses who went to Wat Kirirum after DK, including some in the weeks and months after the end of DK; they saw a steel basin in the temple with a blood-stained drainage pipe leading through a hole in the south-wall to the outside and into a square reservoir measuring three metres by three metres which contained coagulated blood.<sup>2287</sup> In the temple building there were at least five corpses still in shackles in February 1979.<sup>2288</sup> The evidence regarding these corpses

<sup>2284</sup> **D6.1.165**, Written Record of Interview of Witness Im An, 17 June 2008, ERN 00274161; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053601, A12; **D6.1.362**, Written Record of Interview of Witness Pol Seun, 8 April 2009, ERN 00315905; **D118/67**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950717, A37-A38; **D219/515**, Written Record of Interview of Witness Chheun Chhuoy, 18 September 2015, ERN 001156941, A19; *See also* **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519, A76.

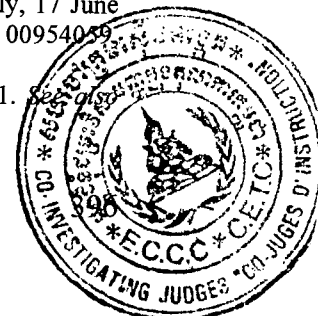
<sup>2285</sup> **D219/666**, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204286-01204288, A38-A46, ERN 01204291, A58.

<sup>2286</sup> **D219/666**, Written Record of Interview of Witness Yang Sarieb, 27 January 2016, ERN 01204291, A57.

<sup>2287</sup> **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275103; **D6.1.128**, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250279; **D6.1.168**, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274181; **D118/67**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950717, A40; **D6.1.163**, Written Record of Interview of Witness Um Suom, 17 June 2008, ERN 00274149; **D6.1.169**, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274193; **D6.1.164**, Written Record of Interview of Witness Kung Kimly, 17 June 2008, ERN 00274153; **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954059 A26.

<sup>2288</sup> **D6.1.168**, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274181.

**D6.1.167**, Written Record of Interview of Witness Pen Leap, 18 June 2008, ERN 00274172.



suggests that they were of people left behind and who later died; it therefore cannot be excluded that such deaths occurred after 6 January 1979.

846. The La-ang Teng Khluon, La-ang Lakhaon, and La-ang Kangkep Caves contained many hundreds of corpses in varying stages of decay.<sup>2289</sup> One witness observed, in mid-1979, that the back of the skulls had been damaged in a way that suggests they had been hit with a blunt instrument or made violent contact with a blunt surface; they also looked like they had been thrown head-first into the cave.<sup>2290</sup> Others saw, at non-specified points during 1979, bodies that had their hands tied behind their backs,<sup>2291</sup> and blood-stained tools at the edge of the caves including knives, hatchets, axes, iron bars and metal pipes.<sup>2292</sup>
847. It is not certain whether all of the people whose corpses were discovered in the caves after DK were killed before 7 January 1979. However, there is circumstantial and hearsay evidence which, taken together, supports the finding that most if not all detainees at Wat Kirirum Security Centre were killed before the end of DK: no surviving detainees were located during the investigation, and none of the local residents who gave evidence to the OCIJ could identify any survivors.<sup>2293</sup> One worker from a nearby place states that the killings were carried out continuously during the last two to three months before the Vietnamese troops arrived, although it is unclear

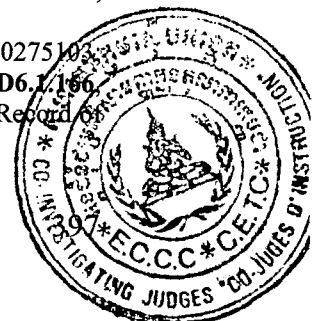
<sup>2289</sup> **D6.1.166**, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274166; **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275103; **D6.1.168**, Written Record of Interview of Witness Prum Sarun, 18 June 2008, ERN 00274181; **D6.1.167**, Written Record of Interview of Witness Pen Leap, 18 June 2008, ERN 00274172; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250275; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053607, A35; **D6.1.165**, Written Record of Interview of Witness Im An, 17 June 2008, ERN 00274161; **D6.1.128**, Written Record of Interview of Witness Pen Loeut, 18 November 2008, ERN 00250279; **D118/66**, Written Record of Interview of Witness Im An, 28 May 2013, ERN 00954059, A26; **D347/2.1.25**, Transcript of Hearing on the Substance in Case 002/02 [Prum Sarun], 9 December 2015, ERN 01414201-01414202; **D6.1.115**, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275402; **D118/67**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950717, A40; **D219/784**, Written Record of Interview of Witness Mom Krath, 23 June 2016, ERN 01485071, A58, A60, ERN 01485072, A61; **D219/654**, Written Record of Interview of Witness Sok Cheat, 19 January 2016, ERN 01207519, A76, ERN 01207520, A77; **D219/689**, Written Record of Interview of Witness Sok Cheat, 17 February 2016, ERN 01216256-01216257, A105-A107.

<sup>2290</sup> **D6.1.167**, Written Record of Interview of Witness Pen Leap, 18 June 2008, ERN 00274172.

<sup>2291</sup> **D6.1.163**, Written Record of Interview of Witness Um Suom, 17 June 2008, ERN 00274149.

<sup>2292</sup> **D6.1.115**, Written Record of Interview of Witness Chuch Punlork, 26 August 2008, ERN 00275402; **D6.1.169**, Written Record of Interview of Witness Nheum Hau, 18 June 2008, ERN 00274193; **D219/784**, Written Record of Interview of Witness Mom Krath, 23 June 2016, ERN 01485071, A60.

<sup>2293</sup> **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275102-00275103; **D118/64**, Written Record of Interview of Witness Pol Seun, 26 May 2013, ERN 00950702, A47; **D6.1.166**, Written Record of Interview of Witness In Choeun, 17 June 2008, ERN 00274165; **D118/67**, Written Record of Interview of Witness Nheum Hau, 28 May 2013, ERN 00950718, A43.



whether he witnessed these events.<sup>2294</sup> There is also some hearsay evidence, albeit uncorroborated and of unknown origin, that remaining detainees held at the pagoda were killed in the week prior to the arrival of Vietnamese troops in Phnom Sampeou.<sup>2295</sup> Five to six days before the arrival of the Vietnamese troops, a witness saw two guards come down from Phnom Sampeou, wash their blood-stained hands, and head to Chanlong Kdaong.<sup>2296</sup>

848. On a very conservative estimate, based on witness statements referring to “*hundreds*” of bodies found in the caves, without further specification, including one witness who refers to “*many hundreds*”, it can be concluded that at the very least **200** people were killed at Wat Kirirum Security Centre between the arrival of the Southwest Zone administration and 6 January 1979. How many of those were Northwest Zone cadres is unclear.

#### *Visits by Yim Tith*

849. There is no evidence that **Yim Tith** visited Wat Kirirum Security Centre.

#### 5.5.5 Sector 4

##### 5.5.5.1 Wat Samdech Security Centre

#### *Location and establishment*

850. Wat Samdech Security Centre was located in Samdech Village, Ta Pon Commune, Bak Prea District (District 41) (now Sangkae District), Battambang Province, Sector 4, Northwest Zone.<sup>2297</sup>

<sup>2294</sup> **D219/987**, Written Record of Interview of Witness Chhuom Savoeun, 30 May 2017, ERN 01519576-01519577, A2-A5; **D219/36**, Written Record of Interview of Witness Chhuom Savoeun, 15 October 2014, ERN 01053607-01053608, A35.

<sup>2295</sup> **D6.1.116**, Written Record of Interview of Witness Tes Heanh, 27 August 2008, ERN 00275412; **D6.1.132**, Written Record of Interview of Witness Hun Sa, 19 November 2008, ERN 00250275.

<sup>2296</sup> **D6.1.186**, Written Record of Interview of Witness Nheum Sat, 30 July 2008, ERN 00275102-00275103.

<sup>2297</sup> **D105/11**, Report of the Execution of Rogatory Letter, dated 28 February 2012: Site Identification Report, 28 February 2012, ERN 00786652; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180945, A50; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213401, A28; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219973, A42, A47; **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787183, A26. *See also* **D219/719**, Written Record of Interview of Roerng Mean, 23 March 2016, ERN 01216023, A4. *See Sector 4*, para. 166. *Cf.* **D219/685**, Written Record of Interview of Witness Sorn Roerng, 8 February 2016, ERN 01214814, A5; **D219/720**, Written Record of Interview of Witness Vann Voer, 25 February 2016, ERN 01216207, A26.





851. Under Northwest Zone leadership, Wat Samdech was used only as a district level hospital.<sup>2298</sup>
852. Under Southwest Zone leadership, the Wat Samdech compound was turned into a detention<sup>2299</sup> and killing site,<sup>2300</sup> and killings took place until the arrival of Vietnamese troops in the area.<sup>2301</sup> The pagoda was also still used as a hospital by Southwest Zone cadres.<sup>2302</sup> The evidence is not conclusive about whether Wat Samdech operated at district or sector level.<sup>2303</sup>
853. No-one was allowed to use the road in front of the pagoda. Access to the pagoda was restricted by checkpoints, especially on days when killings were carried out. The checkpoints were removed after the killings. Authorisation from the unit chief was required to be able to enter the hospital inside the pagoda compound.<sup>2304</sup>

<sup>2298</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182679, A7; **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218590, A9; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213401-01213402, A40-A41; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214813, A3, 01214815, A19; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A21, ERN 01219973-01219974, A54-A55; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216023-01216024, A2-A4, A6-A9. *See also* **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939-01180940, A14, A17, A19, ERN 01180943, A40.

<sup>2299</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180943, A41-A42; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182682, A19-A20; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214813, A3-A4. *See also* **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787182-00787183, A12, A23-A25.

<sup>2300</sup> **D219/720**, Written record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216205-01216206, A4-A6, A8-A9, ERN 01216208, A30-A34 (*cf.* A37). *See also* **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213402, A42-A43; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180938, A3, ERN 01180943, A36, A42; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A14, ERN 0121997, A37-A38, A40; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681, A17.

<sup>2301</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180942, A33, ERN 01180944, A43; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A7, A9; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971-01219972, A23, A35-A36. *See also* **D219/719**, Written Record of Interview of Roerung Mean, 23 March 2016, ERN 01216023-01216024, A2-A3, A11; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182682, A19, ERN 01182690-01182691, A56, A59-A61.

<sup>2302</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213400, A17, A26, ERN 01213404, A65; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214815, A20; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A21.

<sup>2303</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180946-01180947, A62-A63; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219973-01219974, A54-A55.

<sup>2304</sup> **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214813, A4, ERN 01214816, A31-A32; **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216205, A8, ERN 01216208, A32; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180945, A55; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182686-01182687, A36-A37; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213400, A17, A26, ERN 01213404, A65; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214815, A20; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A21.



854. At least two graves were located within the Wat Samdech compound.<sup>2305</sup>

*Structure and personnel*

855. The evidence on when Southwest Zone cadres came to replace the Northwest Zone cadres in the Samdech Village area ranges from mid- or late 1977 to early 1978.<sup>2306</sup>

856. Witnesses refer to a number of cadres that came to Samdech Village under Southwest Zone leadership, although they are not consistent on which functions they held: one witness recalls that Samdech Village was supervised by village chairman Ta Chhoel, deputy village chairman Ta Noeng and village committee member Ta Vat.<sup>2307</sup> Another witness describes Ta Vat as the leader of Samdech Village and the person who would call out the names of the persons that would be taken to be killed.<sup>2308</sup> One witness also refers to Ta Nguon being in charge of Wat Samdech.<sup>2309</sup>

857. At the cooperative level, one witness states that Keuk was the cooperative chairperson and ordered arrests, Sear was the deputy while Nuy and Chiev Nguon were cooperative committee members.<sup>2310</sup> However, another witness describes Sear as the “supervisor” of Samdech Village and Wat Samdech, and the “Commander of Company 9”.<sup>2311</sup> Sear

2016, ERN 01213404, A65. See also **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589, A5, ERN 01218591-01218592, A19, A22.

<sup>2305</sup> **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589, A5-A6, ERN 01218592, A26; **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787182, A13, ERN 00787184-00787185, A36-A38, A41-A43; **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216208, A34-A36; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182691, A62.

<sup>2306</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940, A17; **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589-01218590, A4, ERN, A7; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213400, A16; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214814, A10; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A17; **D219/719**, Written Record of Interview of Witness Roeung Mean, 23 March 2016, ERN 01216023-01216024, A4, A11-A12; **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216207, A24.

<sup>2307</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182683, A21-A25.

<sup>2308</sup> **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214814, A11, A13. See also **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787183, A22.

<sup>2309</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A18-A19, ERN 01219973, A41-A42.

<sup>2310</sup> **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216205, 01216206, A6, A12, A15.

<sup>2311</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213401, A29, ERN 01213405, A80.



had the authority to arrest people, including the Khmer Krom, Cham, and people of Vietnamese descent.<sup>2312</sup>

### *Arrests and detention*

858. The Southwest Zone cadres targeted particular groups of people to arrest and send to Wat Samdech, including Northwest Zone cadres<sup>2313</sup> and their family members,<sup>2314</sup> and those accused of being close to Khmer Republic soldiers.<sup>2315</sup> Ordinary people<sup>2316</sup> of all ages (including children)<sup>2317</sup> and occupations<sup>2318</sup> were also arrested and sent there. One witness also provides hearsay evidence that in June 1978, under instruction from Ta Sear, the Southwest Zone cadres took Cham, Khmer Krom, and people of Vietnamese descent in her unit, who lived in the area, to Wat Samdech for execution. Though the witness did not personally see this, she presents it as common knowledge among people in the area, stating that “*everyone knew about this because they witnessed it*”.<sup>2319</sup>

859. Southwest Zone cadres started arresting and killing people from the time they arrived in the Samdech Village area,<sup>2320</sup> and this continued throughout their period of control.<sup>2321</sup>

<sup>2312</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213402-01213403, A45, A56.

<sup>2313</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A6-A10, A14; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182680-01182681, A13, A16; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A21-A23.

<sup>2314</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182679-01182680, A10, A13; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A22.

<sup>2315</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681-01182682, A17. *See also* **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787182, A6, 00787185-00787186, A45-A47, A56.

<sup>2316</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213498-01213499, A4, A6, A12; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180938, A3, ERN 01180947-01180948, A68-A69; **D219/685**, Written Record of Interview of Witness Sorn Roewn, 8 February 2016, ERN 01214813, A4.

<sup>2317</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219969, A6-A7; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940-01180941, A21; **D219/720**, Written Record of Interview of Witness Vann Voourt, 25 February 2016, ERN 01216205, A8.

<sup>2318</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219972, A32, A37-A38; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216024, A13; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681-01182682, A17.

<sup>2319</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213403-01213404, A55-A61, A66.

<sup>2320</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A14; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681, A16; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216024, A13.

<sup>2321</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219969, A6-A7; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01219971, A23; **D219/719**, Written Record of Interview of Witness Roerung Mean, 23 March 2016, ERN 01216024, A13; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179752-01179753, A2-A8; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182680-01182681, A13, A16.



A witness, who worked as a teacher under the Southwest Zone cadres,<sup>2322</sup> recounts two incidents of mass arrests of 105 and 100 people respectively which took place two nights apart and was later told by a cadre that “*they would smash the enemies*” inside the pagoda.<sup>2323</sup>

860. Under Southwest Zone control, Wat Samdech was generally full of prisoners,<sup>2324</sup> who would only be detained for a few days until the pagoda was full, before being killed.<sup>2325</sup> However, no precise conclusions can be drawn from the limited evidence about how many prisoners may have been detained at the pagoda at any given time, with one witness stating that she saw “*about 400 or 500*” prisoners collected over three days in October 1977,<sup>2326</sup> and another estimating that he was arrested with 350 people in late 1978 and the only one who survived because he fled to the jungle.<sup>2327</sup>

### *Killings*

861. Almost all detainees at Wat Samdech were killed; few escaped.<sup>2328</sup> Killings happened during the day and at night.<sup>2329</sup>

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ERN 01182676-01182678, A3, ERN 01182680, A13, ERN 01182682, A19; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213398, A5-A6, ERN 01213402, A41-A42. *See also* **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180941, A24-A25, A27; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214816, A25-A27; **D219/720**, Written Record of Interview of Witness Vann Voeurt, 25 February 2016, ERN 01216205, A4-A5, A8.

<sup>2322</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182678-01182679, A3.

<sup>2323</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681-01182682, A16-A17, A19-A20, ERN 01182686-01182687, A35-A37.

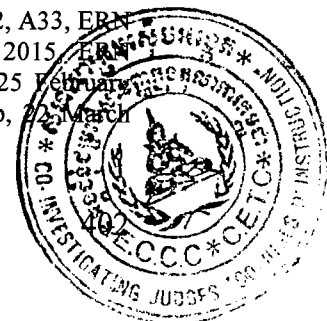
<sup>2324</sup> **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213404, A63. *See also* **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A8; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971, A31.

<sup>2325</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180944-01180945, A41-A43; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971, A27, A31; **D219/720**, Written Record of Interview of Witness Vann Voeurt, 25 February 2016, ERN 01216205, A9, ERN 01216208, A32; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A8. *See also* **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213403, A53.

<sup>2326</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971-01219972, A31, A33-A34.

<sup>2327</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A14-A15, ERN 01180941-001180942, A22-A30, ERN 01180947, A65; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179752-01179753, A1, A3-A4, A9.

<sup>2328</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180942, A33, ERN 01180944, A43; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A7, A9. *See also* **D219/720**, Written Record of Interview of Witness Vann Voeurt, 25 February 2016, ERN 01216206, A13-A14; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219972, A34.



862. Heng Leap, a worker from a female mobile unit, suggests that prisoners were killed because of their occupation before 17 April 1975 or simply because they stole out of hunger.<sup>2330</sup> She saw the killings of people at Wat Samdech first-hand as she was a patient at the hospital at the time. She states that she saw five adults and three children (aged 12 or 13 years old) killing 400 to 500 people at the pagoda in October 1977.<sup>2331</sup> She deduced this number from the fact that it took three days to collect the victims and “one night and one day” to kill them.<sup>2332</sup> Further, she states that old people were killed by hoe handles, whereas children “were killed by being thrown up in the air and speared through their bodies with a sword as they fell”.<sup>2333</sup> She adds that salt was sprinkled over the dead bodies,<sup>2334</sup> a fact which is corroborated by another worker who states that three days after salt was brought to the pagoda, it had disappeared and “everyone said that they had used the salt to bury the corpses”.<sup>2335</sup>
863. Another witness who lived opposite from Wat Samdech, less than 20 metres away,<sup>2336</sup> saw Southwest Zone cadres escorting people in queues into the pagoda,<sup>2337</sup> striking prisoners on the back of the head with clubs, and using sharpened bamboo tubes to stab children to death.<sup>2338</sup> He considers that detainees were taken to be killed in groups of 10 to 20 at a time,<sup>2339</sup> for at least two to three consecutive nights.<sup>2340</sup> He cannot estimate

<sup>2329</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940, A21; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971, A27, A31 **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182685-01182686, A32-A33, A35.

<sup>2330</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A14, ERN 0121997, A37-A38, A40. See **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681, A17.

<sup>2331</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971-01219972, A23-A27, A31, A33-A34.

<sup>2332</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219971, A31.

<sup>2333</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219969, A6-A8.

<sup>2334</sup> **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219969, A8, ERN 01219971, A27.

<sup>2335</sup> **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214816, A30.

<sup>2336</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A11-A12, ERN 01180943, A38; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A6.

<sup>2337</sup> **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A5; **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A13, ERN 01180945, A53.

<sup>2338</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940, A19-A21.

See also **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A3.

<sup>2339</sup> **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A3.

also **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180945.

<sup>2340</sup> **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A3.

**D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940, A21.



how many people were killed in total by Southwest Zone cadres,<sup>2341</sup> nor does he provide the date of these events.

864. The same witness was assigned by Southwest Zone cadres to dig three square pits outside the pagoda compound, six to seven metres long and over two metres deep.<sup>2342</sup> He was not told why the pits were being prepared but observed that, as soon as the digging was complete, the Southwest Zone cadres started arresting people,<sup>2343</sup> which led him to conclude that the arrestees would be killed.<sup>2344</sup>
865. He further states that detainees were tied and crucified before being beaten to death, but provides no further information.<sup>2345</sup>
866. Other witnesses did not directly see killings themselves, but knew or understood from the pattern of people disappearing or being sent to “*study*” that they had been killed.<sup>2346</sup> One witness was in a children’s unit and overheard Southwest Zone cadres in the Wat Samdech compound talking to each other about 100 victims, including children, who had been killed there.<sup>2347</sup> Another witness deduces that people were killed because the Southwest Zone cadres would bring the clothes of the victims back to the village.<sup>2348</sup> Another witness, who entered Wat Samdech after 6 January 1979, states that he saw writing on the temple wall by two victims – one who had scratched the plaster to write “*Your husband, who was taken here, has been killed*”, and another, who had written in what appeared to be blood, “*My death is for Cambodians, and this is to inform the brothers and sisters that I died right here in Wat Samdech*”.<sup>2349</sup>

<sup>2341</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180940, A23.

<sup>2342</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180941-01180943, A23-A27, A31-A32, A39.

<sup>2343</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180941, A28.

<sup>2344</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180939, A15, ERN 01180941, A23-A24, A28; **D219/566**, Written Record of Interview of Witness Heng Phat, 27 October 2015, ERN 01179753, A8-A9.

<sup>2345</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180943, A42.

<sup>2346</sup> **D219/564**, Written Record of Interview of Witness Heng Phat, 22 October 2015, ERN 01180944, A43; **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182680-01182681, A13, A17, ERN 01182685, A32-A33, ERN 01182689, A51, A53-A54; **D219/683**, Written Record of Interview of Witness Hin Non, 4 February 2016, ERN 01213398, A5, ERN 01213401-01213402, A31-A32, A43, ERN 01213404, A59-A61, A66-A67; **D219/685**, Written Record of Interview of Witness Sorn Roeun, 8 February 2016, ERN 01214816-01214817, A26-A28, A30, A35, A37; **D219/718**, Written Record of Interview of Witness Heng Leap, 22 March 2016, ERN 01219970, A16, A22.

<sup>2347</sup> **D219/720**, Written Record of Interview of Witness Vann Voert, 25 February 2016, ERN 01216205, A8, ERN 01216207, A37.

<sup>2348</sup> **D219/565**, Written Record of Interview of Witness Run Lay, 25 October 2015, ERN 01182681-01182682, A17.

<sup>2349</sup> **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787185-00787186, A45-A55.



867. It appears that there was at least one large grave and another smaller grave in the Wat Samdech compound. One former worker, who entered Wat Samdech for the first time after 6 January 1979 to clear the bones and build a stupa, states that he saw four mass grave pits, the largest measuring approximately eight by ten metres and two to three metres deep, and the smaller pits measuring five by five metres and one or two metres deep.<sup>2350</sup> He also alleges that he saw 2,000 to 3,000 skulls in the largest pit, but did not assist in the excavation.<sup>2351</sup> Another witness who also entered the pagoda compound after 6 January 1979 recalls three pits that were “*about five square metres in size*”.<sup>2352</sup>
868. Notwithstanding the wide-ranging and in part exaggerated estimates of the witnesses, it is justifiable to conclude that hundreds of people were killed there, i.e. under the evidentiary principles of this Closing Order at least 200, and very likely many more.

#### *Visits by Yim Tith*

869. There is no evidence that **Yim Tith** visited Wat Samdech Security Centre.

#### 5.5.5.2 Wat Po Laingka/Kach Roteh Security Centre

##### *Location and establishment*

870. Wat Po Laingka Security Centre, also known as Wat Kach Roteh<sup>2353</sup> or Wat Damnak Roteh,<sup>2354</sup> was located in Kach Roteh Village, Commune 30, Daun Try District (also

<sup>2350</sup> **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589, A5-A6; **D105/2**, Written Record of Interview of Witness Suon Heng, 14 February 2012, ERN 00787182, A13, ERN 00787184-00787185, A36-A38, A41-A43.

<sup>2351</sup> **D219/681**, Written Record of Interview of Witness Suon Heng, 2 February 2016, ERN 01218589, A5, ERN 01218592, A26.

<sup>2352</sup> **D219/720**, Written Record of Interview of Witness Vann Voeurt, 25 February 2016, ERN 01216208, A34-A36.

<sup>2353</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01117875, A37; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067734, A37; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095838-01095839, A17; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348608, A40; **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111901, A8.

<sup>2354</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117679, A13; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A2; **D219/332**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053923; **D219/333**, Written Record of Interview of Civil Party Applicant Tiev Vieng, 21 May 2015, ERN 01111901, A15; **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111901, A8.



called District 42 and Moug Ruessei District), Sector 4.<sup>2355</sup> Administratively, its present-day location is in Kampong Prieng Commune, Sangkae District.<sup>2356</sup>

871. The security centre was established by Southwest Zone cadres<sup>2357</sup> and was operational by mid-1978 at the latest.<sup>2358</sup> Wat Po Laingka continued functioning until the arrival of Vietnamese troops in the area.<sup>2359</sup>

872. The compound consisted of a number of buildings, including the pagoda itself, a nearby hall, and a large temple stupa which were all used to hold detainees.<sup>2360</sup> The hall had previously served as a hospital under the Northwest Zone cadres' administration.<sup>2361</sup>

<sup>2355</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/307**, Written Record of Interview of Witness Pal Yong, 9 May 2015, ERN 01111924, A24, ERN 01111925, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116341, A127; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095836, A3; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147935, A6; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A4; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132662, A2; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18; **D118/102**, Written Record of Interview of Witness Toat Thoeun, 10 September 2013, ERN 00974017, A27; **D219/262**, Written Record of Interview of Witness Souen Rai, 07 April 2015, ERN 01095849, A7; **D105/12**, Site Identification Report, 29 February 2012, ERN 00786642, p.3. *See also* **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053891, A10. *Contra* **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620.

<sup>2356</sup> **D105/12**, Site Identification Report, 29 February 2012, ERN 00786642, p.3.

<sup>2357</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178775, A32-A33; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116066, A23; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348618, A99; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135143, A22; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038, A50-A51. *See also* **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132654, A16; **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053933, A83-A85, ERN 01053935, A98; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132665, A19; **D219/311**, Written Record of Interview of Civil Party Applicant Peng San, 10 May 2015, ERN 0111945, A14.

<sup>2358</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117676-01117677, A2; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053892, A14; **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053927, A46, ERN 01053929, A61, ERN 01053935, A98. *Cf.* **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919417, A16-A17.

<sup>2359</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178780, A57; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147879, A51-A52; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067735, A51, ERN 01067751, A191.

<sup>2360</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178776, A42, ERN 01178781, A70; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132665, A20; **D105/7**, Written Record of Interview of Witness Kim Heng, ERN 00919418, A22.

<sup>2361</sup> **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116330-01116331, A11; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132658, A44. **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20-A21.





Other structures in the compound included the soldiers' sleeping quarters,<sup>2362</sup> and a building used for interrogations.<sup>2363</sup> The current buildings at the site do not reflect its layout during DK.<sup>2364</sup>

### *Structure and personnel*

873. Wat Po Laingka was a sector level security centre.<sup>2365</sup>

874. According to one former prisoner detained there during the second half of 1978, the prison chief was named Khan.<sup>2366</sup> Another detainee identifies Mao, who was constantly on site, and Vireak, who would make periodic visits to the site, as prison chiefs.<sup>2367</sup> One witness who was a guard at Wat Po Laingka for one month while the Southwest Zone cadres were in control states that Ta Hier, a soldier, was in charge of the security centre.<sup>2368</sup> No further details are known about any of these individuals.

875. One former detainee recalls being interrogated by Ta Loek,<sup>2369</sup> a Commune 60 committee member from the Southwest Zone.<sup>2370</sup> Ta Loek, together with another Southwest Zone cadre Yeay Chan, were Commune 60 "chiefs"<sup>2371</sup> and simultaneously

<sup>2362</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20-A22.

<sup>2363</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A22; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178781, A70.

<sup>2364</sup> **D105/12**, Wat Po Laingka Security Centre Site Identification Report, ERN 00786643. *See also* **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178776, A39.

<sup>2365</sup> **D219/304**, Written Record of Interview of Witness, Im Bunchheoun, 6 May 2015, ERN 01111900, A6; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399445, A98, ERN 01399446, A103.

<sup>2366</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178771-01178772, A15-A19.

<sup>2367</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053892-01053893, A16.

<sup>2368</sup> **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072562, A4-A6.

<sup>2369</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178782, A73.

<sup>2370</sup> **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A5; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2016, ERN 01116340, A119; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399451, A129; **D219/339**, Written Record of Interview of Witness Pem Sev, 26 May 2015, ERN 01118193, A14-A16. *See also* **D219/865**, Written Record of Interview of Witness Puth Heng, 3 November 2016, ERN 01373661, A77; **D219/723**, Written Record of Interview of Witness Lim Saloeun, 28 February 2016, ERN 01218609, A6.

<sup>2371</sup> **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111950, A8. *See also* **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 30 November 2014, ERN 01053927, A43; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May, 2015, ERN 01116063, A5; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116340, A119; **D219/339**, Written Record of Interview of Witness Pem Sev, 26 May 2015, ERN 01118193, A14-A16; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130595, A13; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399450-01399451, A128-A129.



held authority in Commune 30.<sup>2372</sup> One witness also claims that Ta Loek and Yeay Chan also held positions of authority in District 42, which had been merged with neighbouring District 41, though his basis of knowledge is unclear.<sup>2373</sup> Up to 15 soldiers and guards were stationed at the security centre, including Mut and Ra.<sup>2374</sup>

### *Arrests and detentions*

876. Approximately one month after the arrival of the Southwest Zone cadres in the area, around 30 people, who had previously been held at a security centre on a military base between Sala Trav and Kach Roteh villages, were moved to Wat Po Laingka.<sup>2375</sup> They were handcuffed, escorted by three or four armed Southwest Zone cadres, and looked emaciated.<sup>2376</sup>
877. During the purge of the Northwest Zone cadres by the Southwest Zone cadres, many Northwest Zone cadres were arrested from the surrounding area, and some of them were imprisoned at Wat Po Laingka.<sup>2377</sup> These included former cooperative committee members who were replaced by cadres from the Southwest Zone.<sup>2378</sup>

<sup>2372</sup> **D219/334**, Written Record of Interview of Civil Party Applicant Sam Ngak, 22 May, 2015, ERN 01118146, A2; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147877, A39-A40; **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111906, A6, A8. *Contra* **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116340, A119.

<sup>2373</sup> **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493023, A57.

<sup>2374</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053893, A16; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919419, A30; **D219/589**, Written Record of Interview of Witness Chhoem Bunret, 5 November 2015, ERN 01178786, A91-A92.

<sup>2375</sup> **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132657, A40-A42; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677-01117678, A6; **D219/394**, Written Record of Interview of Witness Ream Dy, 24 June 2015, ERN 01130589, A14-A15.

<sup>2376</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677-01117678, A6-A7.

<sup>2377</sup> **D219/356**, Written Record of Interview Witness Van Nak, 4 June 2015, ERN 01116331, A32, ERN 01116332, A37; **D219/453**, Written Record of Interview Witness Yat Yoeun, 10 August 2015, ERN 01151150, A43; **D219/828**, Written Record of Interview Witness Chhum Chhen, 7 September 2016, ERN 01390067, A34. Northwest Zone cadres arrested in the area: **D219/446**, Written Record of Interview Witness Tek Sim, 4 August 2015, ERN 01152257, A3, ERN 01152259, A14, ERN 01152262, A27; **D219/392**, Written Record of Interview Witness Tek Sim, 4 August 2015, A20, ERN 0113062; **D219/305**, Written Record of Interview Witness Ngin Chheuy, ERN 01111908, A17; **D219/125**, Written Record of Interview of Civil Party Application Srey Soeum, ERN 01067734, A35. *See Re-education and killing of 'enemies' and 'bad elements' and the targeting of specific groups*, paras 295-304.

<sup>2378</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067734, A35-A38; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053889, A4; **D219/300**, Written Record of Interview of Witness Im Bunchhoeun, 2 May 2015, ERN 01111876, A12; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2016, ERN 01116332, A37; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135143, A22. *See also* **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348615, A81.



878. Wat Po Laingka held people from throughout Sector 4.<sup>2379</sup> In addition to former Northwest Zone cadres, the prisoners included “*new people*”,<sup>2380</sup> people accused of offences such as stealing food,<sup>2381</sup> breaking a spoon,<sup>2382</sup> “*betraying Angkar*”,<sup>2383</sup> or “*moral offences*”, i.e. sexual offences,<sup>2384</sup> as well as educated people including those with official positions under the previous government such as civil servants and teachers.<sup>2385</sup> There were women<sup>2386</sup> and children<sup>2387</sup> among the prisoners.

879. Khmer Krom were also sent to Wat Po Laingka,<sup>2388</sup> where they were held only temporarily before being transferred elsewhere to be killed (see Section 5.5.5.3 below).<sup>2389</sup>

01348621, A124; **D219/453**, Written Record of Interview of Witness Yat Yoem, 10 August 2015, ERN 01151150, A43; **D219/356**, Written Record of Witness Interview Van Nak, 4 June 2015, ERN 01116331-01116332, A32, ERN 01116333, A41; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178774, A26; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655, A18.

<sup>2379</sup> **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399445, A98. *See also* **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178786, A90; **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111900, A6; **D219/310**, Written Record of Interview of Witness Voan Samut, 9 November 2015, ERN 01111939-01111940, A13-A15. *Cf.* **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053891, A11.

<sup>2380</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067752, A197.

<sup>2381</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896, A25; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2016, ERN 01116332, A40. **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067755, A230; **D219/831**, Written Record of Interview of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391222, A118.

<sup>2382</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896, A30.

<sup>2383</sup> **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418, A20; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896, A30.

<sup>2384</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067755, A230; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418, A20.

<sup>2385</sup> **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348616, A86; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067736, A59; **D219/839**, Written Record of Interview of Witness Chea Koeung, 23 September 2016, ERN 01399446, A99, ERN 01399453, A143; **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111900, A6; **D219/339**, Written Record of Interview of Civil Party Applicant Pem Sev, 26 May 2015, ERN 01118194, A19.

<sup>2386</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038, A49, ERN 01033040-0103342, A59-A60, A68, A70. *See also* **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067754, A220.

<sup>2387</sup> **D219/61**, Written Record of Interview Witness Chhaom Soda, 30 October 2014, ERN 01053892, A13. *See also* **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soem, 16 December 2014, ERN 01067754, A220.

<sup>2388</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038, A49, ERN 01033039, A56, ERN 01033040, A59-A60, ERN 01033041, A68, ERN 01033042, A70; **D219/304**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A19, A20. *See also* *Targeting of Khmer Krom in Kampong Prieng and Reang Kesei Communes*, para. 896.



880. Prisoners at Wat Po Laingka were separated into those accused of the “*most serious crimes*” who were detained in the temple stupa, other serious offenders who were held in the pagoda building; and those considered “*light offenders*” who were detained in the former medical hall.<sup>2390</sup> The large stupa could hold at least 15 prisoners.<sup>2391</sup> The pagoda held between 40 and 60 prisoners; when old prisoners were taken out, new ones would be brought in.<sup>2392</sup> The medical hall held between 20 and 60 prisoners.<sup>2393</sup>
881. Prisoners detained in the temple stupa were never released and “*never saw sunlight*”;<sup>2394</sup> those detained in the pagoda building were shackled<sup>2395</sup> by their ankles to iron bars in rows of 10 to 20 people, depending on the length of the iron bar, and were sometimes released from their shackles but required to stay within the compound,<sup>2396</sup> whilst prisoners in the medical hall were not shackled.<sup>2397</sup> Living quarters lacked ventilation, were infested with lice and overcrowded, with some detainees unable to sleep or rest due to the cramped space.<sup>2398</sup> There were no toilets for prisoners who were shackled inside; they collectively used a copper pot which would be emptied into a bin

<sup>2389</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033039, A58, ERN 01033041-0103342, A68-A69.

<sup>2390</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178775, A42; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20.

<sup>2391</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20.

<sup>2392</sup> **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919419, A32-A33; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895, A20. *See also* **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072563, A8.

<sup>2393</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178776, A42, ERN 01178780, A58.

<sup>2394</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178781, A70.

<sup>2395</sup> **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111900, A4; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111889, A10; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418, A22. *See also* **D219/304**, Written Record of Interview of Witness Im Bunchheoun, 6 May 2015, ERN 01111900, A5.

<sup>2396</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret 5 November 2015, ERN 01178776, A40, ERN 01178779, A54; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895-01053896, A24-A26.

<sup>2397</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178776, A42; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053894, A20.

<sup>2398</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178776, A108-A109, ERN 01178794, A139.



inside the building.<sup>2399</sup> Prisoners had no access to medical care and some fell ill or died.<sup>2400</sup>

882. There was not enough food, and prisoners received only watery gruel without rice, or porridge with hardly any rice.<sup>2401</sup> Many prisoners died of hunger.<sup>2402</sup> One former detainee recalls that although prisoners appeared “normal” when they arrived, they became progressively emaciated to the point that they were too weak to even lift a hoe.<sup>2403</sup> He estimates that six to seven detainees died of starvation on a daily basis during the six months that he was detained at Wat Po Laingka.<sup>2404</sup> Some detainees even resorted to eating fertiliser consisting of sweet potato skins and human excrement in order to survive.<sup>2405</sup> Another witness, who spent almost four months in the prison, states that 50 to 60 people starved to death during his stay.<sup>2406</sup> He describes waking up next to corpses, as well as seeing dead prisoners being carried out of the prison every day.<sup>2407</sup>

883. Some prisoners were forced to work.<sup>2408</sup> One former detainee, who was detained from September to December 1978, recalls that they worked from 6 a.m. or 7 a.m. to 5 p.m. with a two-hour lunch break; during work hours no break was allowed and anyone who was found resting would be beaten.<sup>2409</sup> During the second half of 1978, a group of four prisoners was tasked with making fertiliser out of termite mound soil and human

<sup>2399</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178789, A108-A109.

<sup>2400</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178789, A108, A110-A113; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072562, A6.

<sup>2401</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178788, A104-A105; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418, A24.

<sup>2402</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053891, A8, ERN 01053895, A24.

<sup>2403</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178790, A114, A118.

<sup>2404</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178772, A17, ERN 01178788, A104-A106.

<sup>2405</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178788, A106.

<sup>2406</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053889, A3, ERN 01053895, A24.

<sup>2407</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053891, A8, ERN 01053895, A24.

<sup>2408</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178788-01178789, A104-A108; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895, A24; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116338, A102.

<sup>2409</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895.



excrement.<sup>2410</sup> Other witnesses who lived and worked nearby saw Southwest Zone cadres ordering detainees to plant rice and carry out other agricultural tasks in the vicinity.<sup>2411</sup> One of these witnesses observed an exhausted prisoner being beaten with a bamboo stalk by a Southwest Zone cadre for failing to do the required work.<sup>2412</sup>

884. Many prisoners died as a result of these working and living conditions, with one witness stating that of the 15 people in his work group, only four had survived by the end of the witness' four-month detention in 1978 given the lack of food and strenuous work.<sup>2413</sup>

885. The punishments for disobedience could be horrendous: several witnesses describe an incident when Ta Yin, a former Northwest Zone cadre,<sup>2414</sup> unsuccessfully tried to escape from Wat Po Laingka,<sup>2415</sup> and upon his capture had his fingers and toes cut off; he later died from his wounds at Wat Po Laingka.<sup>2416</sup>

886. Prisoners were also subjected to violence during interrogations, for example, they were asphyxiated with plastic bags or rain sheets being put over their heads, beaten with wooden clubs until they confessed to wrongdoing, kicked in the face, and burned with cigarettes.<sup>2417</sup> The sound of beatings and crying from within the compound were noticed by people outside.<sup>2418</sup>

<sup>2410</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178782-01178783, A74.

<sup>2411</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067753, A211, ERN 01067754, A221-A222. *See also* **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116338, A102.

<sup>2412</sup> **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116338, A102.

<sup>2413</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895, A24.

<sup>2414</sup> **D219/333**, Written Record of Interview of Civil Party Applicant Teav Veang, 21 May 2015, ERN 01117980, A13.

<sup>2415</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135146, A35; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348622, A127; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116333, A42; **D219/125**, Written Record of Interview of Civil Party Applicant Teav Veang, 16 December 2014, ERN 01067734, A39; **D219/391**, Written Record of Interview of Civil Party Applicant, 22 June 2015, ERN 011132655, A18.

<sup>2416</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135146, A35; **D219/125**, Written Record of Interview of Civil Party Applicant Teav Veang, 16 December 2014, ERN 01067734, A39. *Cf.* **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348622, A127.

<sup>2417</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178782-01178783, A70-A77; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN A24; **D219/125**, Written Record of Interview of Civil Party Applicant Teav Veang, 16 December 2014, ERN 01067755, A229.

<sup>2418</sup> **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116332, A77; ERN 01116337, A91, ERN 01116338, A101; **D219/125**, Written Record of Interview of Civil Party Applicant Teav



887. After interrogation, some prisoners would be killed, others were released from shackles but required to remain in the prison compound, whilst some others would be released.<sup>2419</sup> One former detainee estimates that 20 to 30 people died in the interrogations during the three months he was there.<sup>2420</sup>

### *Killings and disappearances*

888. During Wat Po Laingka's period of operation, prisoners were regularly killed within the compound<sup>2421</sup> or in nearby rice fields.<sup>2422</sup> Northwest Zone cadres were among those killed at the security centre, including after failed attempts to escape from the security centre.<sup>2423</sup> One witness saw groups of four to five prisoners being killed on six to seven occasions, though he provides very few details.<sup>2424</sup>

889. Almost every day new prisoners arrived and old ones disappeared, leading detainees to believe that they were taken for execution.<sup>2425</sup>

890. In 1979, just after the arrival of the Vietnamese army, one witness saw "hundreds" of dead bodies in pits in an area just south of the compound.<sup>2426</sup> Another witness who

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Veang, 16 December 2014, ERN 01067754, A224; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116332, A34.

<sup>2419</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895-01053896, A24-A26. *See also* **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178770, A10, ERN 01178777, A44, ERN 01178785, A86.

<sup>2420</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895, A24, ERN 01053896, A26. *See also* **D105/7**, Written Record of Interview of Witness Heng Kim, 19 March 2012, ERN 00919418, A25-A26.

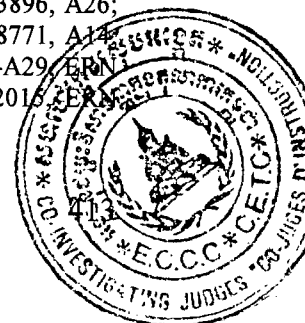
<sup>2421</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895, A24, ERN 01053896 A26; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418-00919419, A25-A29; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147879, A51; **D219/300**, Written Record of Interview of Witness Im Bunchhoeun, 2 May 2015, ERN 01111876, A12; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655-01132656, A22-A25.

<sup>2422</sup> **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348607, A36, ERN 01348613-01348614, A75; **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044746, A85.

<sup>2423</sup> **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348613-01348614, A75; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896, A26; **D219/300**, Written Record of Interview of Witness Im Bunchhoeun, 2 May 2015, ERN 01111876, A12; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655, A22-A25.

<sup>2424</sup> **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418-00919419, A25-A29.

<sup>2425</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896, A26; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178771, A14; **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418, A25-A29; ERN 00919419, A33-A35; **D219/310**, Written Record of Interview of Witness Voan Samut, 9 May 2015, ERN 01111939, A13.



entered the compound soon after the arrival of the Vietnamese army describes seeing around 30 dead bodies and blood stains within the pagoda itself, but does not mention seeing the pits.<sup>2427</sup>

### *Victim numbers*

891. A conservative minimum estimate of the total number of victims at Wat Po Laingka Security Centre can be calculated based on the following witness accounts:

- i. the deaths of six to seven prisoners from starvation every day for six months, calculated as 1,080 deaths<sup>2428</sup> (six deaths per day, with 30 days per month, resulting in 180 deaths per month; over a six-month period);
- ii. the killing of Ta Ray and Ta Yin following their failed attempts to escape;<sup>2429</sup>
- iii. the killing of 20 to 30 detainees during interrogations, calculated as 20;<sup>2430</sup>
- iv. the killing of four to five prisoners on six to seven occasions calculated at 24 (four prisoners on six separate occasions);<sup>2431</sup>
- v. and the shooting of former Northwest Zone soldiers trying to escape, calculated as two (the minimum amount given that the witness speaks of multiple deaths).<sup>2432</sup>

892. The combined minimum estimates from these accounts result in a total conservative estimate of **1,128** deaths at Wat Po Laingka between its establishment by the Southwest

<sup>2426</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067755, A233-A234.

<sup>2427</sup> **D219/304**, Written Record of Interview of Witness Im Bunchheoun, 6 May 2015, ERN 01111900, A5.

<sup>2428</sup> **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178771, A14, ERN 01178772, A17.

<sup>2429</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135146-01135147, A35; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348622, A127; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116333, A42; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067734, A39; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655, A18; **D219/300**, Written Record of Interview of Witness Im Bunchhoeun, 2 May 2015, ERN 01111875, A12.

<sup>2430</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053895-01053896, A24-A26.

<sup>2431</sup> **D105/7**, Written Record of Interview of Witness Kim Heng, 19 March 2012, ERN 00919418-00919419, A25-A29.

<sup>2432</sup> **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053896,





Zone cadres and 7 January 1979. Several other accounts<sup>2433</sup> of witnesses and civil party applicants have not been relied upon for these calculations because of a lack of sufficient specificity, or to avoid the risk of double-counting.

### *Visits by Yim Tith*

893. There is no evidence that **Yim Tith** visited Wat Po Laingka/Kach Roteh Security Centre.

### *5.5.5.3 Targeting of Khmer Krom in Kampong Prieng and Reang Kesei Communes*

894. Kampong Prieng Commune, which included Kach Roteh, Sala Trav, Os Tuk, and Thmei Villages, and Reang Kesei Commune, which included Reang Kesei and Reang Kraol Villages, were both located in Daun Try District (also called District 42 and Moung Ruessei District), Sector 4 during DK.<sup>2434</sup> In both communes, Khmer Krom

<sup>2433</sup> **D105/7**, Written Record of Interview of Witness Heng Kim, 19 March 2012, ERN 00919418-00919418, A25-A29, ERN 00919419, A32; **D219/61**, Written Record of Interview of Witness Chhaom Soda, 30 October 2014, ERN 01053891, A8, ERN 01053895, A24, 01053896, A26; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147879, A51; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348607, A36, ERN 01348613-01348614, A75, **D219/300**, Written Record of Interview of Witness Im Bunchhoeunn, 2 May 2015, ERN 01111876, A12; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655-01132656, A22-A25; **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044746, A85; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178771, A14; **D219/310**, Written Record of Interview of Witness Voan Samut, 9 May 2015, ERN 01111939-01111940, A13; **D219/25**, Written Record of interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050588, A51, ERN 01050593, A85; **D219/391**, Written Record of Interview of Civil Party Applicant Sok Bunran, 22 June 2015, ERN 01132655, A29-A33.

<sup>2434</sup> Kach Roteh Village, Kampong Prieng Commune: D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/307**, Written Record of Interview of Witness Pal Yong, 9 May 2015, ERN 01111924, A24, ERN 01111925, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116341, A127; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095836, A3; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A4; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132662, A2; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18. *Contra* **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A17. Sala Trav Village, Kampong Prieng Commune: D219/426, Written Record of Interview of Witness Keo Khuong, 21 July 2015, ERN 01135163, A6; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147935, A6. Os Tuk Village, Kampong Prieng Commune: D219/341, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A3. Thmei Village, Kampong Prieng Commune: D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135140, A14; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A7. Reang Kesei Village and Reang Kraol Village, Reang Kesei Commune: D219/723, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218609, A6; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A31-A32; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095831, A25; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493017, A31.



were targeted and killed under both Northwest Zone and Southwest Zone administrations.<sup>2435</sup>

### *Kampong Prieng Commune*

895. The present-day area known as Kampong Prieng Commune spans across two former Communes under DK (Commune 30 and Commune 60) that were located in Daun Try District (also called District 42 and Moug Ruessei District), Sector 4.<sup>2436</sup> Commune 30

<sup>2435</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067738, A70; **D219/310**, Written Record of Interview of Witness Voan Samut, 9 May 2015, ERN 01111940, A18; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677-011176778, A6, ERN 01117680-01117681, A17, A19-A20; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348610-01348611, A57-A59, ERN 01348612, A68, ERN 01348613, A70. Khmer Krom being targeted under Northwest Zone control: D219/343, Written Record of Interview of Witness Ros Maong, 28 May 2015, ERN 01116083, A9; **D219/395**, Written Record of Interview of Civil Party Applicant Chiev Heng, 27 June 2015, ERN 01132666-01132667, A33; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147939, A28-A30; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178792, A128-A129; **D219/61**, Written Record of Interview of Witness Soda Chhaom, 30 October 2014, ERN 01053896, A30; **D219/3**, Written Record of Interview of Witness Keu Seung, 10 September 2014, ERN 01047104, A59-62. Khmer Krom being targeted under Southwest Zone control: D118/290, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778, A86; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111933, A15; **D219/404**, Written Record of Interview of Witness Hoeng Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147872, A18; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492873, A127-A128; **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373645, A70-A72; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067738, A70; **D219/955**, Written Record of Interview of Witness Koen Moeun, 20 March 2017, ERN 01456256-01456257, A29, ERN 01456260, A58; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493015, A25; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111959-01111960, A20, ERN 01111961, A25. Contra Killing of Khmer Krom stopped under Southwest Zone control: D219/61, Written Record of Interview of Witness Soda Chhaom, 30 October 2014, ERN 01053889, A5, ERN 01053896, A30; **D219/589**, Written Record of Interview of Witness Choem Bunret, 5 November 2015, ERN 01178792, A128, ERN 01178793, A131; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390092, A90-A91.

<sup>2436</sup> Kach Roteh Village, Kampong Prieng Commune: D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/307**, Written Record of Interview of Witness Pal Yong, 9 May 2015, ERN 01111924, A24, ERN 01111925, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116341, A127; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095836, A3; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A4; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132662, A2; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18. Contra D219/392, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A17. Sala Trav Village, Kampong Prieng Commune: D219/426, Written Record of Interview of Witness Keo Khuong, 21 July 2015, ERN 01135163, A3; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147935, A6. Os Tuk Village, Kampong Prieng Commune: D219/341, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A3. Thmei Village, Kampong Prieng Commune: D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135140, A14; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A7. Reang Kesei Village and Reang Kraol Village, Reang Kesei Commune: D219/723, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218609, A6; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A31-A32; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095831, A25; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493017, A31. Commune 30 and Commune 60 located in Daun Try District: D219/391, Written Record of Interview of Witness Sok Bunran 22 June 2015, ERN 01132652, A7; **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111949; **D219/395**, Written Record of



was located east of National Road 5 while Commune 60 was west of National Road 5.<sup>2437</sup> Kach Roteh, Sala Trav, and Os Tuk Villages were located in Commune 30,<sup>2438</sup> whilst Thmei Village was located in Commune 60.<sup>2439</sup>

### Kach Roteh Village

896. Under both the Northwest Zone and Southwest Zone periods of administration, Khmer Krom were detained briefly at various locations in Kach Roteh Village, including Wat Po Laingka (a security centre in Kach Roteh Village that was established by the Southwest Zone cadres upon their arrival),<sup>2440</sup> before being killed in the area or transported to other places from which they did not return.<sup>2441</sup>
897. While the Northwest Zone cadres were still in control of the area, a witness working in Kach Roteh Village saw militiamen transport and kill “three trucks” of Khmer Krom

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Interview of Witness Chiev Heng, 27 June 2015, ERN 01132662, A2; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147868, A2.

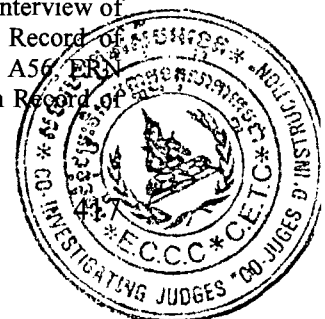
<sup>2437</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132662, A2; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A17; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A3.

<sup>2438</sup> Kach Roteh Village: **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A7; **D219/307**, Written Record of Interview of Witness Pal Yong, 9 May 2015, ERN 01111924, A24, ERN 01111925, A28; **D219/356**, Written Record of Interview of Witness Van Nak, 4 June 2015, ERN 01116341, A127; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095836, A3; **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A4; **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132662, A2; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A18. *Contra* **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130620, A17 (witness states that Wat Po Laingka was located in District 41). Sala Trav Village: **D219/426**, Written Record of Interview of Witness Keo Khuong, 21 July 2015, ERN 01135163, A6; **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147935, A6; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348626, A157. Os Tuk Village: **D219/341**, Written Record of Interview of Witness Nuk Sangav, 27 May 2015, ERN 01116063, A3.

<sup>2439</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135140, A14; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A7; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348626, A157.

<sup>2440</sup> *See Wat Po Laingka/Kach Roteh Security Centre*, paras 870-871, 879.

<sup>2441</sup> Under Northwest Zone administration: **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132664, A12, ERN 01132666-01132667, A33-A36; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072546, A60-A61. *See also* **D219/445**, Written Record of Interview of Witness Tek Sim, 3 August 2015, ERN 01147939, A28-A30; **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152259-01152260, A15-A16; **D219/781**, Written Record of Interview of Witness Riem Dy, 22 June 2016, ERN 01348605-01348606, A25-A31, ERN 01348612-01348613, A66-A71, ERN 01348618, A104. Under Southwest Zone administration: **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168071-01168072, A56-A58, ERN 01168073, A63, ERN 01168078-1168079, A95-A97; **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A19; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038, A49, ERN 01033039, A56, ERN 01033040, A59-A61, ERN 01033041, A68, ERN 01033042, A69-A70. *See also* **D219/310**, Written Record of Interview of Witness Voan Samut, 9 May 2015, ERN 01111939-01111940, A13-A14, A17.



people, including women and children. This occurred over a half-hour period at a “security office” in Kach Roteh Village, located “outside the pagoda compound”.<sup>2442</sup> This event happened prior to the “rainy season in 1978”, as this is the period the witness specifies in relation to the arrival of the Southwest Zone cadres.<sup>2443</sup> The victims were all first undressed and the adults then beaten to death with a variety of instruments, while the children were killed by holding their legs and smashing their heads against the ground.<sup>2444</sup> The women, who were “white in complexion”, protested that they were not Vietnamese but Khmer.<sup>2445</sup> The victims could still be heard over the loud music being played through a loudspeaker to drown out the sounds of their agony.<sup>2446</sup> The witness returned to the site in 1982 to dig up a pit, located “100 metres to the east of National Road 5” that was four metres long, four metres wide, and two metres deep.<sup>2447</sup> Amongst the remains, the witness counted 150 skulls. The bodies were “decomposing” bodies at the bottom and the top of the pit; 20 of the bodies were men, and the rest were women, some of whom were still “in pants and bras”, and children.<sup>2448</sup> It cannot be ruled out, however, that these bodies included other victims who were not Khmer Krom.<sup>2449</sup>

898. After the arrival of the Southwest Zone cadres in the commune, no later than mid-1978,<sup>2450</sup> cooperative cadres in Kach Roteh Village held meetings during which they ordered people to report “Vietnamese spies” to Angkar.<sup>2451</sup>

<sup>2442</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132664, A12, 01132666-01132667, A33-A36.

<sup>2443</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132664, A15.

<sup>2444</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132667, A33-A36.

<sup>2445</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132667, A33-A36.

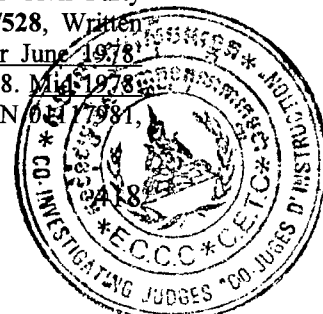
<sup>2446</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132667, A33.

<sup>2447</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132668, A33-A37.

<sup>2448</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132668, A33-A39.

<sup>2449</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666-01132668, A33-A39.

<sup>2450</sup> 1977: D219/781, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348608, A43. Between late 1977 and early 1978: D219/404, Written Record of Interview of Witness Hoeng Sambo, 9 July 2015, ERN 01147870, A10. March or April 1978: D219/63, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053927, A46-A48. Before May 1978: D219/528, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168067, A35. May or June 1978: D219/424, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135141, A18. Mid-1978: D219/333, Written Record of Interview of Civil Party Applicant Tiev Vieng, 21 May 2015, ERN 01132666-01132668, A33-A39.



899. A witness describes how 55 of her Khmer Krom relatives in Kach Roteh Village were accused of being Vietnamese and detained in Wat Po Laingka for one night before being transferred to “*Trav School*” in Kach Roteh Village and killed.<sup>2452</sup> The witness, who was able to meet her mother at “*Trav School*” before she was killed, heard of their deaths from two survivors of the killings, including one who informed the witness that the witness’ mother was tied for three days, and that the Khmer Rouge cut open the mother’s body to remove and eat her liver and gallbladder.<sup>2453</sup> The other survivor, who pretended to be dead in a grave after being beaten, observed the witness’ uncle being beaten to death.<sup>2454</sup>
900. Another witness who worked in Sala Ta An Village in nearby Commune 50, District 41, recalls that after the arrival of the Southwest Zone cadres, he saw Khmer Krom people being transported to Wat Po Laingka from Sala Ta An Village.<sup>2455</sup> The witness was told by a Northwest Zone cadre who continued to work under the Southwest Zone cadres (before he was killed in Wat Po Laingka)<sup>2456</sup> that the people being transported were Vietnamese “*enemies*”.<sup>2457</sup> The witness never saw those people return to the village.<sup>2458</sup>

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A17; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072545, A51. July 1978: **D219/304**, Written Record of Interview of Witness Im Bunchhoeun, 6 May 2015, ERN 01111901, A9, A11. August 1978: **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117677, A2. September 1978: **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111906, A6. *See also* **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 0130084, A37, ERN 01390092, A91.

<sup>2451</sup> **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117680, A17-A20.

<sup>2452</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038-01033042, A49-A70.

<sup>2453</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033038, A49, ERN 01033040-01033041, A65-A66, A71.

<sup>2454</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033041, A68.

<sup>2455</sup> **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A19. *See also* **D219/481**, Written Record of Interview of Witness Chroeng Sopheap, 27 August 2015, ERN 01172517, A9; **D219/699**, Written Record of Interview of Witness Choeunrm Veun, 26 February 2016, ERN 01213457, A29-A31.

<sup>2456</sup> **D219/333**, Written Record of Interview of Civil Party Applicant Teav Veang, 21 May 2015, ERN 01117980, A13; **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A20-A20. *See Wat Po Laingka/Kach Roteh Security Centre*, para. 885.

<sup>2457</sup> **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A19-A20.

<sup>2458</sup> **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111895, A19.



901. A former village chief in Prey Roneam (an area west of the Tonle Sap Lake located in Sector 4 during DK)<sup>2459</sup> recalls that between 50 and 60 Khmer Krom, including entire families and predominantly women, were sent to a “communal dining hall” in Kach Roteh Village by Southwest Zone cadres, under the accusation of being Vietnamese.<sup>2460</sup> A Southwest Zone cadre informed the witness that the group of individuals being taken to Kach Roteh Village were Vietnamese.<sup>2461</sup> However the witness identified them as Khmer Krom on the basis of their distinctive accents.<sup>2462</sup> The group were guarded by militiamen assigned by Ta Nhan, and taken away by truck a few days afterwards.<sup>2463</sup> Although the witness states this event took place in late 1978, it cannot be established that this event falls within the Court’s temporal jurisdiction given the witness’ claim that Vietnamese troops had already arrived in “Battambang Provincial Town” at this time.<sup>2464</sup>

#### Military Detention Facility near Sala Trav Village

902. Khmer Krom were transported from several villages in Reang Kesei Commune and Kampong Prieng Commune to a military detention facility near Sala Trav Village and killed.<sup>2465</sup>

903. The military facility, located between Kach Roteh and Sala Trav Villages along National Road 5,<sup>2466</sup> was established by the Northwest Zone cadres.<sup>2467</sup> Following the

<sup>2459</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168063, A4, A6-A9, ERN 01168064, A12-A13.

<sup>2460</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168063, A6-A9, ERN 01168071-01168072, A56-A58, ERN 01168074, A63, ERN 01168078-1168079, A95-A97.

<sup>2461</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168066, A32, ERN 01168071-01168072, A56.

<sup>2462</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168071-01168072, A56-A57, ERN 01168074, A63, ERN 01168078-1168079, A95-A97.

<sup>2463</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168073, A63, ERN 01168074, A69, ERN 01168078-1168079, A97.

<sup>2464</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168074, A71.

<sup>2465</sup> **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147872, A18, ERN 01147873, A23; **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111960, A22-A23; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492871-01492872, A120-A124, ERN 01492873, A127-A128; **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373645, A68, A70, ERN 01373648, A105; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067737-01067738, A63-A71. *See also* **D219/426**, Written Record of Interview of Witness Keo Khuong, 21 July 2015, ERN 01135165, A11-A12; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654-01373655, A19.

<sup>2466</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373648, A105; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130622-01131628, A28; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348608, A47; ERN 01348617, A96-A98; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoean, April 2016, ERN 01348617, A96-A98.



arrival of the Southwest Zone cadres, the military facility was initially co-administered<sup>2468</sup> with the Northwest Zone cadres and remained in operation at least until October 1978 and likely until the arrival of the Vietnamese troops.<sup>2469</sup>

904. One Khmer Krom witness was imprisoned at what he calls “*Sala Trav Prison*” (likely referring to the military detention facility given its location along National Road 5 between Kach Roteh and Sala Trav Village)<sup>2470</sup> from October 1977 to October 1978. He initially spent 15 days chained in a “*prison*”, then three months in a “*re-educating office*” adjacent to the prison, and was finally assigned to “*make natural fertilisers*” next to the prison.<sup>2471</sup> During the latter period, sometime between August and October 1978,<sup>2472</sup> the witness saw large numbers of Khmer Krom prisoners being marched out every evening over a period of ten days by Southwest Zone cadres who “*said that they were killing the Yuon*”.<sup>2473</sup> They were killed next to the prison behind some trees that prevented the witness from seeing the killing first-hand.<sup>2474</sup> He estimates that a total of

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2015, ERN 01095838, A13. *See also* **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bau, 1 September 2014, ERN 01044737, A37; **D219/63**, Written Record of Interview of Civil Party Applicant Sao Sok, 13 November 2014, ERN 01053929-01053930, A63-A66; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067738, A72.

<sup>2467</sup> **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348617-01348618, A96-A100; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095836-01095837, A6-A7. *See also* **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bau, 1 September 2014, ERN 01044737, A37, ERN 01044746, A88; **D219/392**, Written Record of Interview of Witness Tek Sim, 23 June 2015, ERN 01130622-01131623, A28-A30.

<sup>2468</sup> **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147873, A23; **D219/863**, Written Record of Interview of Witness Loeum Lai, 1 November 2016, ERN 01373633, A53-A54; **D219/337**, Written Record of Interview of Witness Riem Dy, 25 May 2015, ERN 01117679, A12.

<sup>2469</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644, A63-A65, ERN 01373645, A67-A68, A72; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067750-01067751, A181, A187-A189, A190-A192.

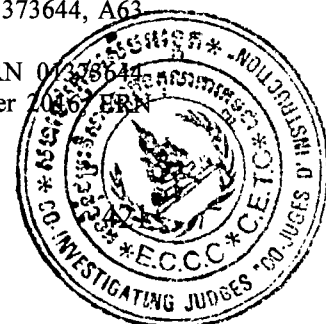
<sup>2470</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373646, A81, ERN 01373648, A105; **D219/864**, Attachment: Sketch of Places, ERN 01569731. *See also* **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147873, A23; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654-01373655, A19.

<sup>2471</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644-01373645, A67, ERN 01373649, A107; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492863, A73-A74, ERN 01492874, A138.

<sup>2472</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373645, A67-A68, A72, ERN 01373648, A105; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492871-01492872, A120-A122, ERN 01492873, A127.

<sup>2473</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644, A63-A65, ERN 01373645, A67-A68, A72.

<sup>2474</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644-01373645, A67; **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492872, A123.



between 1,000 and 2,000 Khmer Krom were killed over this period of ten days during the period of Southwest Zone control.<sup>2475</sup>

905. A Khmer Krom witness observed her sister's family of four being taken by ox-cart from Kach Roteh Village during the period of Southwest Zone control, whom the witness claims arrived in late 1977 and early 1978.<sup>2476</sup> The witness heard from the ox-cart driver that the family was sent to the "military location" along National Road 5, and heard from "others" who said they saw the family being killed.<sup>2477</sup>
906. Another witness states that, during the period of Southwest Zone control, his Khmer Krom father was killed at a "big detention office belonging to Sector 4" (likely the military detention facility given its location east of National Road 5 between Kach Roteh and Sala Trav Villages).<sup>2478</sup> The witness heard this from two of his relatives who both witnessed the victim, arms tied behind his back, being escorted by two CPK soldiers "to the killing site" located 100 metres from the detention facility.<sup>2479</sup>
907. Some witnesses who describe Khmer Krom being arrested in or disappearing from Os Tuk Village and Reang Kraol and Reang Ksei Villages state that they were ultimately killed at Sala Trav Village,<sup>2480</sup> however these witnesses do not provide a basis of knowledge for the location of the killing.

<sup>2475</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644-01373645, A67, A71.

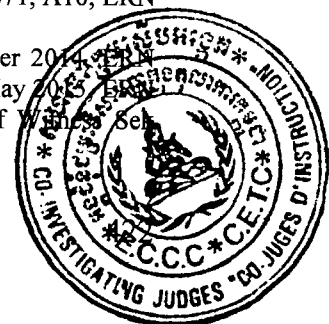
<sup>2476</sup> **D219/781**, Written Record of Interview of Witness Riem Dy, 22 June 2016, ERN 01147870, A10, ERN 01348607, A34, A37, ERN 01348617, A96-A97, ERN 01348618, A104.

<sup>2477</sup> **D219/781**, Written Record of Interview of Witness Riem Dy, 22 June 2016, ERN 01348605-01348606, A25-A31, ERN 01348607, A34, ERN 01348612-01348613, A66-A71, ERN 01348617, A96-A97, ERN 01348618, A104.

<sup>2478</sup> **D219/404**, Written Record of Interview of Witness Hoeng Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147872, A18, ERN 01147873, A23-A25. See also **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373654-01373655, A19; **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373646, A81, ERN 01373648, A105.

<sup>2479</sup> **D219/404**, Written Record of Interview of Witness Hoeng Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147872-01147873, A18-A19, A22-A25.

<sup>2480</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067737, A66; **D219/339**, Written Record of Interview of Civil Party Applicant Pem Sev, 26 May 2015, ERN 01118192, A7-A9, ERN 01118193, A13. See also **D219/313**, Written Record of Interview of Witness Chaut, 14 May 2015, ERN 01111960, A22.





Os Tuk Village

908. Khmer Krom disappeared from Os Tuk Village almost every day, with the inference being that they were killed at other locations.<sup>2481</sup> According to one witness from the village, all seven men in her family were taken away by CPK cadres and disappeared,<sup>2482</sup> though it is not clear from her evidence whether all these men were in Os Tuk Village at the time.

Thmei Village

909. A civil party applicant who lived in Thmei Village from 1977 until the arrival of the Vietnamese describes how the village chief's wife and oldest daughter, who had a fair complexion, were identified as Khmer Krom and killed by Southwest Zone cadres, whereas his other children with darker skin were not killed.<sup>2483</sup> The witness overheard the wife being beaten and saw her partially buried body the next morning.<sup>2484</sup>

910. According to another witness in Thmei Village, Southwest Zone cadres collected Khmer Krom, and some people who were not Khmer Krom but were "*accused of being Khmer Krom*", and transported them away by ox-cart, telling them that they were being returned to Kampuchea Krom.<sup>2485</sup> No information is provided about the fate of these individuals.

Reang Kesei Commune

911. The present-day area known as Reang Kesei Commune was known as Commune 40 during DK, and included Reang Kesei and Reang Kraol Villages.<sup>2486</sup> Commune 40 was

<sup>2481</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067737-01067738, A63-A71; **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111910-01111911, A33, A36; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033041-01033043, A68-A71, A74.

<sup>2482</sup> **D219/305**, Written Record of Interview of Witness Ngin Chheuy, 7 May 2015, ERN 01111910-01111911, A33, A36.

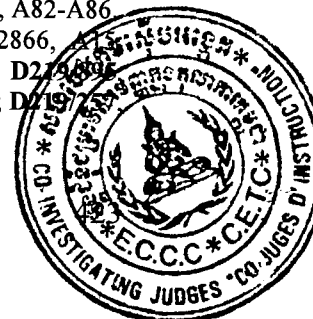
<sup>2483</sup> **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050591, A74-A76.

<sup>2484</sup> **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050591, A74-A76.

<sup>2485</sup> **D118/290**, Written Record of Interview of Witness Kong Vach, 26 August 2014, ERN 01066778, A82-A86.

<sup>2486</sup> **D219/408**, Written Record of Interview of Witness Sek Chaut, 4 July 2015, ERN 01142866, A17-A18.

**D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135048, A2; **D219/413**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A31-A32; **D219/413**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095831, A25.



located in Daun Try District (also called District 42 and Moug Ruessei District), Sector 4 during DK.<sup>2487</sup>

912. The earliest known incident of Khmer Krom being targeted in Reang Kesei Commune was in August 1976 or August 1977 when two Khmer Krom families, and several ethnic Chinese families who were vendors at Reang Kesei Market, from Reang Kraol and Reang Kesei Villages, were taken away by a Northwest Zone cadre.<sup>2488</sup> None ever returned, but the daughter of one of the ethnic Chinese families who had been taken away recognised clothing that was sent back to the cooperative as belonging to her mother and sisters.<sup>2489</sup>
913. A Khmer Krom witness who lived in Reang Kraol Village recalls that when the Southwest Zone cadres arrived in 1978, many members of her family in the village, including her sisters and brothers, were accused of being Vietnamese, arrested, and killed at “*Sala Trav and Kach Roteh*”.<sup>2490</sup> The witness does not provide a basis of knowledge for the location of their deaths.
914. In 1978, a Khmer Krom witness assigned to be a teacher in Reang Kesei Commune, saw her Khmer Krom husband and six of her Khmer Krom neighbours, including a child and a pregnant woman, being killed by a Southwest Zone cadre named Vin.<sup>2491</sup> She saw the cooperative chairperson at the killing site.<sup>2492</sup> Her husband was shot in the leg and buried alive, while the others were beaten to death.<sup>2493</sup>
915. A member of a mobile unit working in locations throughout Reang Kesei Commune observed that when the area was under Southwest Zone control, four or five Khmer

<sup>2487</sup> **D219/408**, Written Record of Interview of Witness Sek Chaut, 4 July 2015, ERN 01142866, A15; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095831, A25; **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493017, A31; **D219/503**, Written Record of Interview of Civil Party Applicant Chhom Hun, 14 September 2015, ERN 01167871-01167872, A9.

<sup>2488</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128249, A29-A30, ERN 01128251, A48-A55.

<sup>2489</sup> **D219/367**, Written Record of Interview of Witness Reach Saran, 15 June 2015, ERN 01128249, A29-A30, ERN 01128251, A48-A55.

<sup>2490</sup> **D219/339**, Written Record of Interview of Civil Party Applicant Pem Sev, 26 May 2015, ERN 01118192, A7-A9, ERN 01118193, A13.

<sup>2491</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050627, A50-A52, ERN 01050630, A71; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A5-A11.

<sup>2492</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050628, A54.

<sup>2493</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050629, A62-A64, ERN 01050630, A67.



Krom families “*regarded as Yuon*” were taken away by train (described as a type of “*short train*”) at night every two or three days over an unspecified period.<sup>2494</sup> Some of the families taken away included her relatives.<sup>2495</sup>

916. In Reang Kesei Village, Southwest Zone cadres went to the homes and places of work of Khmer Krom who were “*accused of being Vietnamese*” and told them they would be moved to new villages; they were transported away in ox-carts, after which they were never seen again.<sup>2496</sup> In another incident toward the end of DK, “*close to the arrival of the Vietnamese*”, cadres told Khmer Krom that they would be given two meals per day if they worked at the front line, and thus transported two trucks full of Khmer Krom out of the commune; the witness, who heard from one of her relatives that her mother and younger sister left on one of these vehicles, states that they were killed but does not know any further details regarding the killings.<sup>2497</sup>
917. Witnesses describe an incident in Reang Kraol Village, when Southwest Zone cadres ordered all the Khmer Krom in the village to go to the dining hall in order to kill them by making them eat poisoned noodles.<sup>2498</sup> Witnesses who were in the dining hall or on their way there state that an aerial bombardment began when everyone had been collected, and people were thus saved from eating the noodles.<sup>2499</sup> One of these witnesses states that people from “*various villages*” were also brought to Reang Kraol Village during this incident, though he does not specify which villages these were, nor

<sup>2494</sup> **D219/866**, Written Record of Interview of Witness Loey Mon, 4 November 2016, ERN 01373667, A24-A25.

<sup>2495</sup> **D219/866**, Written Record of Interview of Witness Loey Mon, 4 November 2016, ERN 01373667, A25.

<sup>2496</sup> **D219/939**, Written Record of Interview of Witness Sek Muntha, 24 February 2017, ERN 01493021, A52. *See also* **D219/313**, Written Record of Interview of Witness Sek Chaut, 14 May 2015, ERN 01111959-01111960, A22.

<sup>2497</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050634-01050635, A90- A97; **D219/314**, Written Record of Interview of Civil Party Applicant Chech Sopha, 15 May 2015, ERN 01111967, A17.

<sup>2498</sup> **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111951, A14; **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047105, A66; **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931-01111932, A5-A8; **D219/339**, Written Record of Interview of Civil Party Applicant Pem Sev, 26 May 2015, ERN 01118192-01118193, A9-A12; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072545, A57. *See also* **D219/311**, Written Record of Civil Party Applicant Peng San, 10 May 2015, ERN 01111944, A7; **D219/306**, Written Record of Interview of Civil Party Soen Ban, 8 May 2015, ERN 01111919, A50; **D219/46**, Written Record of Interview of Witness Sorm Vanna, 17 October 2014, ERN 01050677, A57-A58.

<sup>2499</sup> **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111931, A7; **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111951, A14; *See also* **D219/311**, Written Record of Civil Party Applicant Peng San, 10 May 2015, ERN 01111944, A7.



does he clarify that these people were also Khmer Krom.<sup>2500</sup> Given this event's proximity to the arrival of the Vietnamese in the area,<sup>2501</sup> it cannot be concluded that the incident falls within the Court's temporal jurisdiction.

*Victim numbers*

918. A conservative minimum estimate of the total number of Khmer Krom victims in Kampong Prieng and Reang Kesei Communes can be calculated based on the following eyewitness accounts:

- i. "three trucks" of Khmer Krom men, women and children taken by Northwest Zone cadres to a "security office" in Kach Roteh Village and beaten to death, calculated as 42 victims (based on a minimum of 14 victims per truck, given the likelihood that the trucks were filled to capacity, as well as the evidence in Sector 3 that at least 14 people fit in a truck);<sup>2502</sup>
- ii. the killing of 1,000 to 2,000 Khmer Krom prisoners by the Southwest Zone cadres at Sala Trav prison (likely the military detention facility given its location along National Road 5, between Kach Roteh and Sala Trav Village)<sup>2503</sup> over a 10-day period between August and October 1978, calculated as 1,000 victims;<sup>2504</sup>
- iii. the killing of two Khmer Krom in Thmei Village by Southwest Zone cadres;<sup>2505</sup>
- iv. the killing of seven Khmer Krom in Reang Kesei Village by Southwest Zone cadres.<sup>2506</sup>

<sup>2500</sup> **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111932, A7.

<sup>2501</sup> **D219/309**, Written Record of Interview of Civil Party Applicant Saoy Yen, 8 May 2015, ERN 01111932, A7; **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111951, A14. *See also* **D219/311**, Written Record of Civil Party Applicant Peng San, 10 May 2015, ERN 01111944, A7.

<sup>2502</sup> **D219/395**, Written Record of Interview of Civil Party Applicant Cheav Heng, 27 June 2015, ERN 01132666, A33. *See Wat Kirirum Security Centre*, para. 836.

<sup>2503</sup> **D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373646, A81, ERN 01373648, A105; **D219/864**, Attachment: Sketch of Places, ERN 01569731; **D219/404**, Written Record of Interview of Witness Hoeung Sambo, 9 July 2015, ERN 01147871, A16, ERN 01147873, A23.

<sup>2504</sup> **D219/838**, Written Record of Interview of Witness Long Khen, 22 September 2016, ERN 01492863, A73-A74, ERN 01492871-01492872, A120-A122, ERN 01492873, A127, ERN 01492874, A138.

**D219/864**, Written Record of Interview of Witness Long Khen, 2 November 2016, ERN 01373644-01373645, A63-A65, A67-A68, A72, ERN 01373648, A105, A107.

<sup>2505</sup> **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01111932, A74-A76.



919. The combined minimum estimates from these accounts result in a total conservative minimum estimate of **1,051** individual Khmer Krom deaths. All other accounts of witnesses and civil party applicants are excluded from these calculations because of a lack of sufficient specificity and/or the possibility of overlap. The actual number is likely to have been much higher than the estimate calculated.

*Visits by Yim Tith*

920. There is no evidence that **Yim Tith** visited Kampong Prieng or Reang Kesei Communes.

5.5.6. Sector 7

5.5.6.1 Prison No. 8

*Location and establishment*

921. Prison No. 8, also known as Kbal Chhoeupuk Security Centre,<sup>2507</sup> was located in Kbal Chhoeupuk Village, Sya Commune, Kandieng District, Sector 7, Northwest Zone.<sup>2508</sup> The security centre was located in the middle of a rice paddy, and consisted of three narrow, long houses: the first measured 10 x 30 metres; the second measured 10 x 20 metres and; the third measured 4 x 10 metres.<sup>2509</sup> It operated from at least late 1976 until very late in 1978 or early 1979, when the Vietnamese forces were approaching the area.<sup>2510</sup>

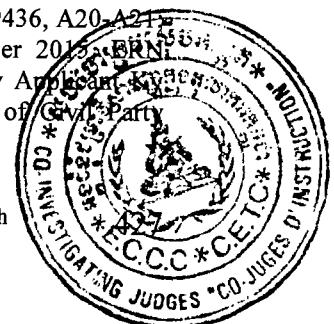
<sup>2506</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050627, A50-A52, ERN 01050630, A71; **D219/722**, Written Record of Interview of Civil Party Applicant Chech Sopha, 27 February 2016, ERN 01216031, A6-A11.

<sup>2507</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919436, A12-A14; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079786, A45; **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 20 January 2009, ERN 00242118; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079303, A76.

<sup>2508</sup> **D105/20**, Site Identification Report, 24 April 2012, ERN 00803806; **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178599, A76.

<sup>2509</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A23, A28; **D105/20**, Site Identification Report, 24 April 2012, ERN 00803807.

<sup>2510</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919436, A20-A21; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168049, A51, ERN 01168050, A59; **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178605, A111; **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178622, A74.



*Structure and personnel*

922. Ta Mi was the prison chief, Ta Cheang his deputy and Ta Soeun his second deputy. There were as many as 20 guards at the security centre.<sup>2511</sup>

*Arrest and detention*

923. Detainees at Prison No. 8 included East Zone Evacuees who were routinely moved to the security centre from mid-1977 when they were placed in cooperatives in Kandieng District,<sup>2512</sup> a pattern which continued until late 1978.<sup>2513</sup> The security centre also detained 'serious offenders',<sup>2514</sup> who were kept in shackles or chains,<sup>2515</sup> 'light offenders' accused of minor infractions such as stealing food, evading work, refusing to follow *Angkar*'s assignments, or committing moral offences;<sup>2516</sup> and the wives and children of Khmer Republic soldiers.<sup>2517</sup> The prisoners included men, women, and children;<sup>2518</sup> female and male prisoners were not separated.<sup>2519</sup>

<sup>2511</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A29-A30, ERN 00919438, A33. *See also* **D219/555**, Written Record of Interview of Civil Party Applicant Ker Tin, 22 October 2015, ERN 01178634, A48-A49, A51, ERN 01178637, A73-A77; *cf.* **D219/279**, Written Record of Interview of Witness Kou Molly, 24 April 2015, ERN 01098534, A39-A40, A84.

<sup>2512</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117702-01117704, A42-A52; **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098462, A64; **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178598, A69; **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974268, A39. *See also* **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A3.

<sup>2513</sup> **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053845, A7, ERN 01053847, A17-A19; **D6.1.761**, Written Record of Interview of Civil Party Applicant Yim Sovann, 27 August 2009, ERN 00379315-00379316.

<sup>2514</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117704, A52.

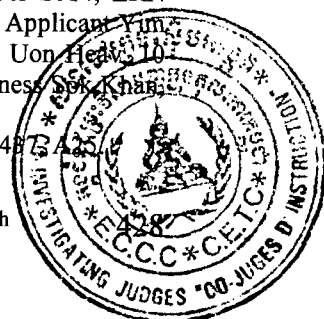
<sup>2515</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A23; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168050, A62; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053846, A11.

<sup>2516</sup> **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178588, A14; **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919436, A17-A18; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053853, A45-A47; **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461-01098462, A60; **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 11 June 2008, ERN 00242118.

<sup>2517</sup> **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079303, A77. *See also* **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461-01098462, A60.

<sup>2518</sup> **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053845, A7, ERN 01053853, A45-A47; **D6.1.761**, Written Record of Interview of Civil Party Applicant Yim Sovann, 27 August 2009, ERN 00379316; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079785-01079786, A40; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079303, A77.

<sup>2519</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A29-A30, ERN 00919438, A33.



924. A civil party applicant who worked near the prison estimates that the security centre could hold approximately 200 prisoners at a time.<sup>2520</sup>
925. The detainees were severely malnourished;<sup>2521</sup> some were so hungry that they would eat raw rats.<sup>2522</sup>
926. A former chief of a fishing unit is an eyewitness to interrogations in Prison No. 8, as he entered the security centre in late 1977 or early 1978 in order to plead for the release of four female members of his fishing unit. Whilst there, he witnessed what he describes as torture and interrogation; however, he only provides details of prisoners being held together by a wooden shackle in groups of two or three following what he terms as an “interrogation”.<sup>2523</sup>
927. A detainee who spent two years and three months in the security centre prior to the arrival of Vietnamese forces in 1979<sup>2524</sup> states that although she was never interrogated herself, she learnt of the interrogations of fellow inmates.<sup>2525</sup> Overall, the evidence is too tenuous and vague even on a balance of probabilities to conclude that torture occurred at the site.
928. Detainees, including women, were also required to perform physical labour at worksites near the security centre,<sup>2526</sup> sometimes even in chains.<sup>2527</sup> In one instance alone, a labourer working nearby saw approximately 200 people being escorted from Prison No. 8 to work, although he gives no further details.<sup>2528</sup>

<sup>2520</sup> **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178619, A57-A58. See also **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079788, A58-A60.

<sup>2521</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A26; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079302, A71, ERN 01079303, A73; **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178620, A64.

<sup>2522</sup> **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053849, A30-A31.

<sup>2523</sup> **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 11 June 2008 ERN 00242118-00242119.

<sup>2524</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919436, A20-A21.

<sup>2525</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919438, A40-A41.

<sup>2526</sup> **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079302, A71-A72, ERN 01079303, A78; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079788, A58-59; **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461, A47-A48.

<sup>2527</sup> **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461, A47-A48.

<sup>2528</sup> **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079788, A59.



929. The work included rice farming, digging canals, uprooting trees and constructing dams.<sup>2529</sup> Prisoners were threatened or beaten if they worked too slowly.<sup>2530</sup>

### *Deaths and disappearances*

930. Witnesses and civil party applicants who lived and worked near the security centre saw killings and/or corpses near Prison No. 8<sup>2531</sup> from mid-1977<sup>2532</sup> until the time when the Vietnamese forces were approaching the area.<sup>2533</sup> Detainees were generally killed and buried in open areas and in the forest adjacent to the security centre,<sup>2534</sup> including at Tralach pond near Kbal Chhoeupuk Village.<sup>2535</sup>

931. One former detainee saw only one person being killed during her time there,<sup>2536</sup> however, she mentions the existence of graves and killing sites in open areas near the security centre.<sup>2537</sup>

932. Labourers have confirmed that killings went on throughout DK. One witness who worked near the site throughout DK saw militiamen escorting people with hands tied to

<sup>2529</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919437, A27; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079302, A71; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053846, A10; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079786, A45.

<sup>2530</sup> **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098462, A67; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079302, A71; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053849, A31.

<sup>2531</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117703-01117704, A49-A52; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168049, A49-A51, ERN 01168052-01168053, A79-A87; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053847, A19-A20.

<sup>2532</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117702, A42, ERN 01117704, A52.

<sup>2533</sup> **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178605, A111; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168049-011680489, A51. *See also* **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178621, A69.

<sup>2534</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919440, A58; **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079304, A83, A87; **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168052, A79, ERN 01168053, A84-A85; **D219/555**, Written Record of Interview of Civil Party Applicant Ker Tin, 22 October 2015, ERN 01178639, A90-A93; **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178619-01178620, A58-A64; **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053847, A17-A21.

<sup>2535</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117703, A49; **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178605, A110; **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 11 June 2008, ERN 00242118. *See also* **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461, A55.

<sup>2536</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919439, A44.

<sup>2537</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919440, A44.





the site “*almost every night*”, however, he does not specify the period of time during which this occurred. The witness also heard from Mok Ny/Ni, a previous detainee who survived a killing attempt, that approximately 2,000 detainees in total were beaten to death in the vicinity of the security centre, again without specifying the dates.<sup>2538</sup> A civil party applicant also met Mok Ny, and, after seeing many bodies the day after the killing operation that Mok Ny survived was told by Mok Ny that there were over 700 in the mass graves; the civil party applicant places this mass killing about two weeks before the arrival of Vietnamese.<sup>2539</sup>

933. A member of a ploughing unit recalls, although not in which year, two incidents when he saw prisoners – some dead, some alive – carried to pits near the security centre; those who were still alive were killed with hoes and then dropped into the pits along with corpses. He estimates that one grave, approximately 400 metres north of the security centre, contained 300 bodies, but again it is not clear when he saw the grave.<sup>2540</sup>

934. East Zone Evacuees, mainly consisting of people from Svay Rieng Province, which was in the East Zone, were executed at locations adjacent to the security centre. Ke Y, a witness who worked near the security centre, saw that from mid-1977 until the end of DK, five to 10 Svay Rieng evacuees were taken to the security centre every night, estimating that a total of around 5,000 disappeared and were hence presumably killed.<sup>2541</sup>

935. One witness recalls seeing groups of 10 to 15 people from Svay Rieng being taken to the nearby forest in mid-1978 on different occasions, and never saw them return, leading him to conclude they had been killed.<sup>2542</sup> Another labourer, Yim Sovann, recalls a larger incident in late 1978 during which he saw 500 people from Svay Rieng

<sup>2538</sup> **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 11 June 2008, ERN 00242118.

<sup>2539</sup> **D219/555**, Written Record of Interview of Civil Party Applicant Ker Tin, 22 October 2015, ERN 01178643-01178644, A122-A138.

<sup>2540</sup> **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168052-01168053, A79-A85.

<sup>2541</sup> **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117702-01117703, A43, A50-A55.

<sup>2542</sup> **D219/183**, Written Record of Interview of Witness Sok Khan, 11 February 2015, ERN 01079304,



escorted into the forest in groups over the course of two or three days; they never returned either.<sup>2543</sup>

936. When the Vietnamese were advancing towards the area, DK soldiers tried to kill all remaining prisoners;<sup>2544</sup> only a few survived.<sup>2545</sup>

#### *Victim numbers*

937. Although a detainee who entered the security centre in late 1976 states that at least 10,000 people came through the security centre during the two years and three months she stayed there,<sup>2546</sup> it is unclear how she arrived at this number. Nevertheless, the totality of the evidence supports a finding of sustained mass killings and allows a conservative estimate of the number of victims in the thousands.

938. The final killings that took place as the Vietnamese forces were approaching may, however, not be within temporal jurisdiction, given that it is unclear when exactly in 1979 the Vietnamese arrived in Sector 7.<sup>2547</sup>

#### *Visits by Yim Tith*

939. There is no evidence that **Yim Tith** visited the site.

<sup>2543</sup> **D219/58**, Written Record of Interview of Civil Party Applicant Yim Sovann, 3 November 2014, ERN 01053845, A7, ERN 01053847, A17-A20. *See also* **D6.1.761**, Written Record of Interview of Civil Party Applicant Yim Sovann, 27 August 2009, ERN 00379315.

<sup>2544</sup> **D219/553**, Written Record of Interview of Civil Party Applicant Ky Pengly, 20 October 2015, ERN 01178605, A110-A111; **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178622, A74; **D219/340**, Written Record of Interview of Witness Ke Oe, 26 May 2015, ERN 01117704, A58. *See also* **D219/526**, Written Record of Interview of Civil Party Applicant Tep Hoeun, 22 September 2015, ERN 01168049, A51, ERN 01168050, A59.

<sup>2545</sup> **D219/555**, Written Record of Interview of Civil Party Applicant Ker Tin, 22 October 2015, ERN 01178644, A131; **D219/554**, Written Record of Interview of Civil Party Applicant Nget Kuon, 21 October 2015, ERN 01178623, A86; **D6.1.161**, Written Record of Interview of Witness Suy Seng Chhorn, 11 June 2008, ERN 00242118; **D219/279**, Written Record of Interview of Witness Kou Molly, 24 April 2015, ERN 01098537, A82-A83; **D219/265**, Written Record of Interview of Witness Khoem Sarun, 6 April 2015, ERN 01098461, A53.

<sup>2546</sup> **D105/9**, Written Record of Interview of Witness Heang Phoeun, 22 March 2012, ERN 00919439, A42.

<sup>2547</sup> **D219/193**, Written Record of Interview of Witness Vat Phat, 23 February 2015, ERN 01079897-01079898, A164-A165; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130594, A12; **D219/22**, Written Record of Interview of Witness Ork Choem, 2 October 2014, ERN 01050530, A283; **D219/18**, Written Record of Interview of Civil Party Applicant Phan Chhean, 29 September 2014, ERN 01047732-01047733, A27, A30-A33. *See also* **D219/50**, Written Record of Interview of Witness Chinda, 21 October 2014, ERN 01056862, A149-A150; **D219/263**, Written Record of Interview of Witness Chham Luy, 8 April 2015, ERN 01097415, A109-A110; **D118/136**, Written Record of Interview of Witness Chhean Hea, 30 October 2013, ERN 00969641, A20.



### 5.5.6.2 Veal Bak Chunching Execution Site

#### *Location and establishment*

940. Veal Bak Chunching Execution Site, also known as Boeng Bak Chunching, was located in Veal Bak Chunching Field, Srae Sdok Commune, Kandieng District, Sector 7, Northwest Zone.<sup>2548</sup>

941. The execution site was operational during early 1978.<sup>2549</sup>

#### *Structure and personnel*

942. The Thlea Ampil Cooperative Chief instructed a member of the ox-cart unit to transfer East Zone Evacuees to the execution site.<sup>2550</sup> In addition, the Stueng Village Cooperative Chief<sup>2551</sup> told a witness with whom she had a close relationship of the plan to eradicate the East Zone Evacuees, and was subsequently overheard by the witness ordering the chief of militia to gather the people from the East Zone together and take them to be killed.<sup>2552</sup> The witness also heard the militiamen boasting of the killing at Veal Bak Chunching.<sup>2553</sup> While the cooperative chief denies this, as well as ever holding the position of cooperative chief,<sup>2554</sup> her evidence is not credible not only because the two witnesses above name her as cooperative chief,<sup>2555</sup> but also because she insists that she was unaware of any violence during DK, which is patently unbelievable.<sup>2556</sup>

<sup>2548</sup> **D134/6**, Site Identification Report, 17 September 2013, ERN 00947352.

<sup>2549</sup> **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974264, A11, ERN 00974265, A18, ERN 00974268, A39; **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974294, A17, A19-A22; **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423; **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079790, A70-A71. *See also* **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974287, A56.

<sup>2550</sup> **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974264, A11, ERN 00974268-00974269, A42-A43, A46 *confirming* **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423-00284424.

<sup>2551</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974284, A37.

<sup>2552</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974286, A49.

<sup>2553</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974287, A50, A57.

<sup>2554</sup> **D118/179**, Written Record of Interview of Witness Sou Hoeun, 13 February 2014, ERN 01040686, A49, ERN 01040688, A64, ERN 01040689, A66-A67.

<sup>2555</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974285, A43.

<sup>2556</sup> **D118/179**, Written Record of Interview of Witness Sou Hoeun, 13 February 2014, ERN 01040692, A87.



943. The cooperatives were under the authority of her sister, Sou Nan, the Kandieng District Secretary.<sup>2557</sup>

*Transfer of East Zone Evacuees to nearby cooperatives*

944. Witnesses state that the East Zone Evacuees who were killed at Veal Bak Chunching arrived in the nearby cooperatives in December 1977 or early 1978,<sup>2558</sup> approximately three months before being killed,<sup>2559</sup> and were identifiable by the blue scarves that the CPK had issued to them.<sup>2560</sup>

945. An ox-cart driver who transferred the East Zone Evacuees to the site, estimates that the transfer took between three and four days, and that the number of those transferred reached the thousands, and involved approximately thirty ox-carts,<sup>2561</sup> with young children placed in ox-carts, and older people made to walk.<sup>2562</sup> Both ox-cart drivers and victims believed that they were being taken to harvest rice.<sup>2563</sup>

*Deaths and disappearances*

946. Upon arrival at Veal Bak Chunching, the East Zone Evacuees found out they had been deceived and were shot. One of the ox-cart drivers who transported East Zone Evacuees, saw CPK soldiers hiding in bushes,<sup>2564</sup> heard gunshots as he was leaving the site, and upon his return a month later, found corpses with blue scarves and with gunshot wounds.<sup>2565</sup> This method of execution is corroborated by another witness who overheard the CPK soldiers brag that they had taken the victims by surprise, having

<sup>2557</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974283, A28; **D134/5**, Written Record of Interview of Witness Huot Moeung, 6 September 2013, ERN 00974303, A19; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373918. *See also* **D219/869**, Written Record of Interview of Witness Sek Sam At, 10 November 2016, ERN 01365563, A52-A54.

<sup>2558</sup> **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974268, A39. *See also* **D134/4**, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974292, A3. *Cf.* **D134/5**, Written Record of Interview of Witness Huot Moeng, 6 September 2013, ERN 00974304, A29.

<sup>2559</sup> **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974268, A39.

<sup>2560</sup> **D134/3**, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974287, A57; **D6.1.643**, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373917. *See also* **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974265, A15.

<sup>2561</sup> **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423.

<sup>2562</sup> **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974264, A11.

<sup>2563</sup> **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423; **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974265-00974266, A19. *See also* **D219/182**, Written Record of Interview of Witness Uon Heav, 10 February 2015, ERN 01079789, A68.

<sup>2564</sup> **D6.1.145**, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423.

<sup>2565</sup> **D134/1**, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974264, 00974265, A15.



hidden themselves before shooting them.<sup>2566</sup> Other witnesses confirm seeing corpses at this site, with one also mentioning the blue scarves.<sup>2567</sup>

947. An ox-cart driver reports seeing approximately 60 corpses when he stopped 10 metres from Veal Bak Chunching in October 1978, although he thought there may have been more.<sup>2568</sup> Two witnesses, who saw corpses at Veal Bak Chunching following the arrival of Vietnamese forces in the area, estimate that there were many victims: one states that there were hundreds or thousands,<sup>2569</sup> although it is unclear whether these bodies were the result of different incidents; the other recalls that there were no less than a thousand bodies at the site.<sup>2570</sup> Considering the above, along with the evidence of the ox-cart driver who states that thousands were transferred to the site,<sup>2571</sup> a conservative estimate of victim numbers over the time of the operation of the site would be at least 1,000.

#### *Visits by Yim Tith*

948. There is no evidence that **Yim Tith** visited Veal Bak Chunching.

#### *5.5.7 Forced marriage in Sectors 1 and 4*

##### *5.5.7.1 Introduction*

949. The CPK practice of forced marriage, as previously described,<sup>2572</sup> occurred consistently under both Northwest and Southwest control through Sectors 1 and 4, although the evidence leads to the conclusion that a greater number of ceremonies took place under the rule of the Southwest Zone cadres.

##### *5.5.7.2 Sector 4: Reang Kesei and Kampong Prieng Communes*

#### *Reang Kesei Commune*

950. 17 witnesses and eight civil party applicants gave evidence on forced marriages in Reang Kesei Commune. Out of those, 14 witnesses and three civil party applicants

<sup>2566</sup> D134/3, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974287, A57.

<sup>2567</sup> D134/3, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974288, A59-A60; D134/4, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974294, A20.

<sup>2568</sup> D134/4, Written Record of Interview of Witness Lim Sat, 6 September 2013, ERN 00974294, A19, ERN 00974295, A23.

<sup>2569</sup> D134/3, Written Record of Interview of Witness Sat Chhang, 5 September 2013, ERN 00974288, A62.

<sup>2570</sup> D134/1, Written Record of Interview of Witness Ung Chhat, 3 August 2013, ERN 00974265, A17. See

D6.1.643, Written Record of Interview of Witness Ung Chhat, 21 August 2009, ERN 00373917.

<sup>2571</sup> D6.1.145, Written Record of Interview of Witness Ung Chhat, 31 January 2009, ERN 00284423.

<sup>2572</sup> See 5.2.2.3 *The regulation of marriage*.



make specific mention of one particular incident occurring at Wat Reang Kesei, most likely in September 1978, presided over by the cooperative chairperson and other Southwest Zone and Northwest Zone cadres, with over 60 couples being married at the same time.

951. The other witnesses and civil party applicants give evidence of forced marriage ceremonies taking place in Kbal Thnal,<sup>2573</sup> Srah Kaev,<sup>2574</sup> Svay Kang,<sup>2575</sup> and Reang Kraol Villages,<sup>2576</sup> Wat Boeng Chhuk,<sup>2577</sup> and Reang Kesei Commune<sup>2578</sup> generally.

#### Mass ceremony at Wat Reang Kesei

952. Witnesses and civil party applicants give varying time frames for when this particular ceremony may have occurred in either 1977<sup>2579</sup> or 1978.<sup>2580</sup> Based on the number of witnesses who give the most consistent or corroborated details of the dates and the ceremony itself, it was most likely held in the second half of 1978.

953. There is conflicting evidence about whether the mass ceremony at Reang Kesei occurred under Northwest Zone or Southwest Zone control. Three witnesses think that the ceremony occurred under Northwest Zone cadres,<sup>2581</sup> and another recalls that it was

<sup>2573</sup> **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456255, A19.

<sup>2574</sup> **D219/25**, Written Record of Interview of Civil Party Applicant Sar Samay, 9 October 2014, ERN 01050595, A94.

<sup>2575</sup> **D219/299**, Written Record of Interview of Witness Mak Met, 1 May 2015, ERN 01111867, A6.

<sup>2576</sup> **D219/238**, Written Record of Interview of Civil Party Applicant Phan Sarang, 25 March 2015, ERN 01092940, A12; **D219/311**, Written Record of Interview of Civil Party Applicant Peng San, 10 May 2015, ERN 01111946, A20.

<sup>2577</sup> **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390054, A47; **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390072, A58.

<sup>2578</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047110, A103.

<sup>2579</sup> **D219/779**, Written Record of Interview of Witness Pang Thai, 15 June 2016, ERN 01344761, A22, ERN 01344766, A53; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390087, A61.

<sup>2580</sup> **D219/408**, Written Record of Interview of Witness Sek Chaot, 4 July 2015, ERN 01142868, A25; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A6; **D219/867**, Written Record of Interview of Witness Sor Hoeun, 5 October 2016, ERN 01373679, A7; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407403, A6, ERN 01407404, A9; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519537, A10-A13; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A100; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050680, A83, ERN 01050683, A107.

<sup>2581</sup> **D219/312**, Written Record of Interview of Witness Pang Thai, 13 May 2015, ERN 01111953, A26; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456255, A19; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399414, A14.



presided over by a Northwest Zone cadre named Seap, even though the Southwest Zone cadres had arrived in that witness' village at the time.<sup>2582</sup>

954. However, the preponderance of the evidence is in support of the ceremony taking place under Southwest Zone control. Four witnesses and one civil party applicant specifically recall that Southwest Zone cadres, Yeay Chan, who was in charge of at least Reang Kesei Commune,<sup>2583</sup> and her husband, Ta Loek (who held a lower position than Yeay Chan),<sup>2584</sup> led the ceremony,<sup>2585</sup> including giving speeches.<sup>2586</sup> Six other witnesses and one civil party applicant state that the ceremony was presided over by additional or other Southwest Zone cadres,<sup>2587</sup> or that it occurred under the Southwest Zone's administration.<sup>2588</sup>
955. Apart from one witness,<sup>2589</sup> all of the witnesses and civil party applicants that give evidence of being married during this ceremony were workers in mobile units from nearby areas.<sup>2590</sup>

<sup>2582</sup> **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373680, A19-A22.

<sup>2583</sup> **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218609, A7, A12; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050632, A80-A81; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519536-01519537, A4-A5, A7.

<sup>2584</sup> **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218609, A7; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050632, A81.

<sup>2585</sup> **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A66-A67.

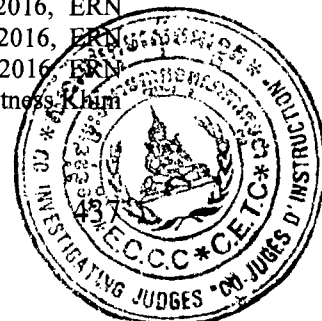
<sup>2586</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391216, A81.

<sup>2587</sup> **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519537, A9; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A27-A28.

<sup>2588</sup> **D219/832**, Written Record of Interview of Witness Loem Saloeun, 12 September 2016, ERN 01391237, A38; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407404, A8; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A7-A11; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050633, A86. *See also* **D219/414**, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135063, A12; **D219/413**, Written Record of Interview of Witness Sok Nou, 9 July 2015, ERN 01135049, A7.

<sup>2589</sup> **D219/832**, Written Record of Interview of Witness Loem Saloeun, 12 September 2016, ERN 01391234, A15-A16; **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218608-01218610, Q3, Q6, A22.

<sup>2590</sup> *See* **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390089, A70-A71; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830-01095831, A19; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519536, A3-A4; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399400, A20; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373680, A11; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390081, A17; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391205-01391206, A14-A15, ERN 01391207, A24; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407403, A6.



956. In general, the women were 15 to 18, the men 18 to 20 years old.<sup>2591</sup>

957. The ceremony was arranged by *Angkar*.<sup>2592</sup> In many cases, witnesses and civil party applicants were unaware that they were going to be married<sup>2593</sup> and did not even know their future spouses,<sup>2594</sup> although in some cases the marriage was based on a request by the groom, either after a previous agreement between his and the bride's parents<sup>2595</sup> or upon request from the groom and the bride's parents,<sup>2596</sup> but this still required the CPK's approval, with serious consequences in the case of non-compliance.<sup>2597</sup> Hence not all couples attending the ceremony necessarily did so against their will. In some cases, such requests were also made because the groom and bride – ultimately wrongly – expected to have better living conditions or not have to work near the front line upon getting married.<sup>2598</sup>

958. All of the witnesses and civil party applicants who allege that they were married against their wishes consistently state that they did not object to or refuse the marriage for fear of being killed.<sup>2599</sup>

<sup>2591</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391224, A131-A132.

<sup>2592</sup> **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A65; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391214, A73, ERN 01391215, A75; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399411, A96-A98; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050681, A85. *See also* **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A4; **D219/867**, Written Record of Interview of Witness Sor Hoeun, 5 October 2016, ERN 01373679, A10.

<sup>2593</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391214, A74; **D219/867**, Written Record of Interview of Witness Sor Hoeun, 5 October 2016, ERN 01373680, A13; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98, ERN 01050637, A113.

<sup>2594</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050681, A85; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98, ERN 01050636, A110, ERN 01050637, A113; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399411, A94.

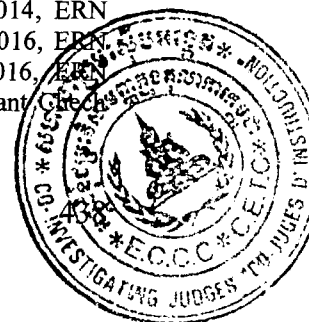
<sup>2595</sup> **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A63.

<sup>2596</sup> **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218610, A24; **D219/832**, Written Record of Interview of Witness Loem Saloeun, 12 September 2016, ERN 01391238, A41; **D219/941**, Written Record of Interview of Suon Sorphorn, 14 March 2017, ERN 01519537, A15, ERN 01519538, A18.

<sup>2597</sup> **D219/941**, Written Record of Interview of Suon Sorphorn, 14 March 2017, ERN 01519538, A16.

<sup>2598</sup> **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407403, A6; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095829, A4.

<sup>2599</sup> **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050681, A90; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391215, A74; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373679, A6, ERN 01373680, A16; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050636, A114-A115.





959. Witnesses and civil party applicants give varying estimates of the number of couples that were married at this ceremony. The direct testimonies support the conclusion that there were at least 70 couples, or a maximum of 83 couples.<sup>2600</sup> Hearsay testimonies also refer to the ceremony being held for at least 60 couples or up to 72 couples.<sup>2601</sup>
960. The ceremony was held in the morning, starting between 7 a.m. or 9 a.m., with one witness stating that the couples had been matched the previous afternoon.<sup>2602</sup>
961. The cadres called out the names of the couples and ordered them to sit in two lines facing each other.<sup>2603</sup> According to two civil party applicants, they also announced that no one could refuse.<sup>2604</sup> Each couple was then ordered to stand, hold hands and make a

<sup>2600</sup> 70 couples: **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391214, A70; **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399410, A91. 73 couples: **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A64; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373680, A12 and A16; 74 couples: **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095828, A2, ERN 01095830, A13-A14; 75 couples: **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A17-A18; 80 couples: **D219/723**, Written Record of Interview of Witness Loem Saloeun, 28 February 2016, ERN 01218610, A17 and A23; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519537-01519538, A9, A14, A22-A23, ERN 01519541, A52-A53; 83 couples: **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A99; 70-80 couples: **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050680, A81.

<sup>2601</sup> 60 couples: **D219/414**, Written Record of Interview of Witness Mao Heang, 10 July 2015, ERN 01135063, A12; 70 couples (although initially 30 couples, and number changed after question by investigator): **D219/866**, Written Record of Interview of Witness Loey Mon, 4 November 2016, ERN 01373674, A91, A99-A100; 72 couples: **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456257, A35.

<sup>2602</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391214, A72; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A13; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519541, A46.

<sup>2603</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A98; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A13; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A17; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519540-01519541, A43-A45.

<sup>2604</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050635, A101; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050681, A91-A92.



declaration that they would love each other forever,<sup>2605</sup> and work hard.<sup>2606</sup> After the vows, couples were given some food.<sup>2607</sup>

962. The wedding was not conducted according to Khmer traditions: there was no blessing ceremony,<sup>2608</sup> religious beliefs were banned,<sup>2609</sup> and there were no monks.<sup>2610</sup> Some couples had their parents or parents-in-law attend the ceremony,<sup>2611</sup> while others did not.<sup>2612</sup> One witness explicitly states that he was not happy or satisfied with the ceremony.<sup>2613</sup>
963. After the ceremony, couples were given a house to sleep in,<sup>2614</sup> and were required to live together for some time.<sup>2615</sup> During this period, the newlyweds were monitored by CPK militia,<sup>2616</sup> who wanted to make sure the marriage was consummated<sup>2617</sup> with couples fearing serious consequences if the militia found out that it had not.<sup>2618</sup>

<sup>2605</sup> **D219/314**, Written Record of Interview of Civil Party Applicant Chech Sopha, 15 May 2015, ERN 01111968, A21; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391216, A81; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A13; **D219/867**, Written Record of Interview of Witness Sar Hoeun, 5 October 2016, ERN 01373681, A42; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A25.

<sup>2606</sup> **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A26; **D219/314**, Written Record of Interview of Civil Party Applicant Chech Sopha, 15 May 2015, ERN 01111968, A21.

<sup>2607</sup> **D219/941**, Written Record of Interview of Suon Sorphorn, 14 March 2017, ERN 01519539, A25; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A18; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A13.

<sup>2608</sup> **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A25.

<sup>2609</sup> **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407405, A25.

*See also* **D219/836**, Written Record of Interview of Witness Touch Mary, 21 September 2016, ERN 01399412, A100 (stating that the ceremony was not religious).

<sup>2610</sup> **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A26; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391215, A80.

<sup>2611</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050636, A105; **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A26.

<sup>2612</sup> **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390088, A69; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A26.

<sup>2613</sup> **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A27.

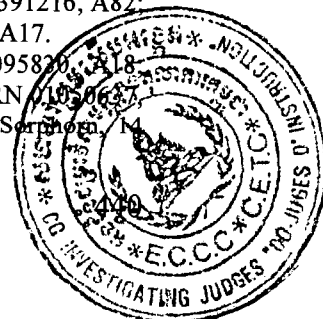
<sup>2614</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050637, A116; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391217, A87.

<sup>2615</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391225, A135; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A15.

<sup>2616</sup> **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050637, A117, ERN 01050638, A119; **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390093, A99-A100; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391217, A87.

<sup>2617</sup> **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391216, A82; **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A16-A17.

<sup>2618</sup> **D219/257**, Written Record of Interview of Witness Sek Chaot, 2 April 2015, ERN 01095830, A18; **D219/42**, Written Record of Interview of Civil Party Applicant Chech Sopha, 13 October 2014, ERN 01050637, A115, ERN 01050638, A124-A125; **D219/941**, Written Record of Interview of Witness Suon Sorphorn, 14 March 2017, ERN 01519539, A26.



However, there is also evidence that the couples were not spied upon after the marriage,<sup>2619</sup> or at best inconsistently or that CPK cadres did not tell couples to consummate the marriage at all.<sup>2620</sup>

#### Other weddings in Reang Kesei Commune

964. Other forced marriages were held in Reang Kesei Commune throughout DK, under both Northwest<sup>2621</sup> and Southwest<sup>2622</sup> control; however, only weddings that were conducted under Southwest Zone control will be considered here.
965. Two witnesses state that they saw marriage ceremonies taking place in Wat Boeng Chhuk twice,<sup>2623</sup> with between eight to 15 couples being married each time.<sup>2624</sup> They describe the men they saw getting married as being combatants.<sup>2625</sup> While they are unable to provide details of whether all of these were non-consensual weddings or whether there was any monitoring of consummation after the ceremony, it stands to reason, absent any indication to the contrary and based on the totality of the evidence relating to these ceremonies, that most of the couples would have been matched and married without their consent and treated in a similar manner, although even a conservative estimate cannot be established.
966. The two witnesses recall that Southwest Zone cadres Ta Loek and Yeay Chan, as the cooperative chairpersons, attended as leaders and summoned the people who were to

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March 2017, ERN 01519540, A37; **D219/831**, Written Record of Interview of Venh Vanna, 10 September 2016, ERN 01391216, A82-A83, ERN 01391217, A87-A89; **D219/46**, Written Record of Interview of Civil Party Applicant Sorm Vanna, 17 October 2014, ERN 01050683-01050684, A104-A106, A108-A110; **D219/831**, Written Record of Interview of Witness Venh Vanna, 10 September 2016, ERN 01391217, A87-A89.

<sup>2619</sup> **D219/895**, Written Record of Interview of Witness Khim Lomtorn, 15 January 2017, ERN 01407406, A30.

<sup>2620</sup> **D219/829**, Written Record of Interview of Witness Sek Moeun, 8 September 2016, ERN 01390094, A103.

<sup>2621</sup> **D219/3**, Written Record of Interview of Civil Party Applicant Keu Seung, 10 September 2014, ERN 01047111, A107; **D219/866**, Written Record of Interview of Witness Loeuy Mon, 4 November 2016, ERN 01373667, A20; **D219/238**, Written Record of Interview of Civil Party Applicant Phan Sarang, 25 March 2015, ERN 01092940, A9-A10; **D219/299**, Written Record of Interview of Witness Mak Met, 1 May 2015, ERN 01111867, A1-A4; **D219/955**, Written Record of Interview of Witness Kin Moeun, 20 March 2017, ERN 01456253, A6.

<sup>2622</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A44; **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390052, A34, ERN 01390056, A63; **D219/865**, Written Record of Interview of Witness Put Heng, 3 November 2016, ERN 01373660, A65.

<sup>2623</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A42-A44, ERN 01390072, A58-A59; **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390054, A47.

<sup>2624</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390073, A49.

**D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390054, A47.

<sup>2625</sup> **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390054, A47.

**D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A44.



get married.<sup>2626</sup> In the same manner as in the mass ceremony described above, they had the newlywed husbands and wives line up in rows facing each other and hold each other's hands,<sup>2627</sup> and then they talked about the work in each unit.<sup>2628</sup> However, according to one witness there was not even any food provided.<sup>2629</sup>

### *Kampong Prieng Commune*

967. Witnesses and civil party applicants give direct evidence of forced marriage ceremonies occurring at Os Tuk,<sup>2630</sup> Commune 30,<sup>2631</sup> Kach Roteh,<sup>2632</sup> Kampong Kou,<sup>2633</sup> and Thmei<sup>2634</sup> villages. One civil party applicant gives hearsay evidence of forced marriage ceremonies occurring at Tuol Pou Village.<sup>2635</sup>

968. The evidence suggests that forced marriage ceremonies in Kampong Prieng Commune were predominantly held in late 1977<sup>2636</sup> and 1978, including in August 1978.<sup>2637</sup> Other

<sup>2626</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390069, A44; **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390052, A34, ERN 01390056, A63.

<sup>2627</sup> **D219/827**, Written Record of Interview of Witness Tuy Koeum, 7 September 2016, ERN 01390055, A52.

<sup>2628</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390073, A68.

<sup>2629</sup> **D219/828**, Written Record of Interview of Witness Chhum Chhen, 7 September 2016, ERN 01390073, A68.

<sup>2630</sup> **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072542, A31, ERN 01072543, A35-A36, A41, ERN 01072544, A46; **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044743-01044744, A73-A74.

<sup>2631</sup> **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492882, A20, ERN 01492885, A38.

<sup>2632</sup> **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111890, A19; **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111893, A2; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067742, A115. *See also* **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135145, A29-A30.

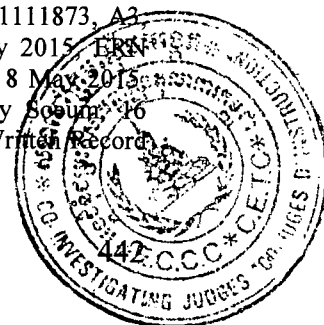
<sup>2633</sup> **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A37; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168081, A108; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072567, A24; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111915, A12; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN01130594, A3.

<sup>2634</sup> **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A7.

<sup>2635</sup> **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033043, A81.

<sup>2636</sup> **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492885, A39; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111890, A20-A21. *See also* **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072543, A36.

<sup>2637</sup> **D219/300**, Written Record of Witness Interview of Im Bun Chhoeun, 2 May 2015, ERN 01111873, A2; ERN 01111876, A17; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135145, A29-A30; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111915, A11; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067740, A90-A91, ERN 01067743, A125-A127. *See also* **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A39-A40.



witnesses and one civil party applicant who do not remember specifically when they got married or saw a wedding ceremony do, however, add that it was after the Southwest Zone troops arrived in the Northwest Zone (i.e. in 1977 and 1978).<sup>2638</sup>

969. All the witnesses and civil party applicants who give evidence on forced marriage in Kampong Prieng Commune, whether they were being married themselves or attended a wedding ceremony, were workers in different units in the nearby villages, with two exceptions: one was a member of the Kampong Kou Cooperative Committee from 1977-1978<sup>2639</sup> and another was the deputy chairman of a platoon in the Kach Roteh Village mobile unit.<sup>2640</sup>
970. One witness also states that he attended a ceremony where both soldiers and ordinary people were getting married.<sup>2641</sup>
971. Individuals who got married were generally aged in their twenties,<sup>2642</sup> however, some individuals were married at the age of 19.<sup>2643</sup>
972. The previously described circumstances about selection, matching, and monitoring, including occasional exceptions, applied as well.<sup>2644</sup>

<sup>2638</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168080, A104-A106; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072566, A23. See also **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152265, A43.

<sup>2639</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168066, A31.

<sup>2640</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135138, A6-A7.

<sup>2641</sup> **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168080, A104.

<sup>2642</sup> **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135145, A29-A30; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111913, A2, ERN 01111915, A11; **D219/137**, Written Record of Interview of Civil Party Applicant Kheam Sorn, 5 January 2015, ERN 01072543, A36.

<sup>2643</sup> **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492885, A39; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111890, A20-A21.

<sup>2644</sup> **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A44-A46, A49, ERN 01111927, A58-A61; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111915, A11, ERN 01111916-01111917, A22-A27, A30, ERN 01111918, A35-A38; **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111893, A1-A11, ERN 01111894, A13; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168080, A106-A107; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A6, ERN 01111875, A9-A10, ERN 01111876, A17-A19; **D219/424**, Written Record of Interview of Witness Riem Dos, 18 July 2015, ERN 01135145, A29; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067739-01067740, A88-A89, A92, A97, ERN 01067742-01067743, A118-A119, ERN 01067745, A139, ERN 01067746, A144-A145; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111889, A12-A17, ERN 01111890, A18, ERN 01111891, A25; **D118/298**, Written Record of Interview of Civil Party Applicant [Name Redacted] Bo, 1 September 2014, ERN 01044743-01044744, A73-A74; **D219/396**, Written Record of Interview of [Name Redacted]



973. One civil party applicant is of the opinion that women could reject a marriage arranged by the unit chief without fear of being harmed; however, this is an outlier statement which is in sharp contrast to the overwhelming remainder of the evidence and hence not reliable.<sup>2645</sup>
974. Evidence also suggests that the cadres would pair ‘base people’ only with ‘base people’ and ‘new people’ only with ‘new people’.<sup>2646</sup>
975. Consistent with the evidence in Reang Kesei Commune, the evidence on marriages in Kampong Prieng Commune supports the conclusion that couples did not refuse any wedding requests or proposals<sup>2647</sup> under threat or for fear of being sent for re-education,<sup>2648</sup> sent to another site (i.e. facing a high risk of malaria, seeing one’s parents only once a year, and “no hope of returning home”),<sup>2649</sup> or being killed.<sup>2650</sup> In particular, one witness states that while he did not directly see anyone being killed, he observed that the cadres would report couples who did not get along to the unit chief,

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Party Applicant Sin Ban, 28 June 2015, ERN 01130593, A1; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072566-01072567, A23-A24; **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033044, A82; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111883, A24; **D219/453**, Written Record of Interview of Witness Yat Yoeun, 10 August 2015, ERN 01151149-01151150, A40-A42. Cf. **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492886, A47-A48; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111883, A24.

<sup>2645</sup> **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492886, A44, ERN 01492887, A50-A51.

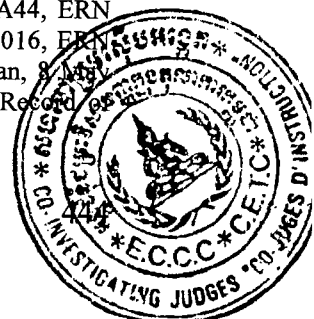
<sup>2646</sup> **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111927, A56;; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111917, A24. Cf. **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067744-01067745, A132, A134-A136.

<sup>2647</sup> **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A44, A47; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A8, ERN 01111876, A17; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111890, A15-A16; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348611-01348612, A64; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111917, A23, ERN 01111918, A34; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067741, A106-A108. See also **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033044, A85-A86.

<sup>2648</sup> **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067742, A109-A110.

<sup>2649</sup> **D219/304**, Written Record of Interview of Witness Im Bun Chhoeun, 6 May 2015, ERN 01111899, A1; **D219/302**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 5 May 2015, ERN 01111890, A17; **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A8.

<sup>2650</sup> **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A44, ERN 01111927, A51-A52, A54; **D219/781**, Written Record of Interview of Witness Yan Prak, 22 June 2016, ERN 01348611-01348612, A64; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111916, A16, ERN 01111917, A33, ERN 01111918, A34. Cf. **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492887, A51.



and those couples would be taken away and never return.<sup>2651</sup> The same witness also saw militiamen arresting two couples and put them in a house, heard the couples screaming and considered they were being tortured, and the following morning, the cadres ordered the witness to bury the couples' dead bodies.<sup>2652</sup>

976. Direct evidence supports a finding of ceremonies held for between two and 40 couples,<sup>2653</sup> and reliable hearsay evidence of ceremonies with up to 70 couples.<sup>2654</sup>
977. While some of the marriages held in Kampong Prieng Commune between 1976 and 1978 were conducted by Northwest Zone cadres,<sup>2655</sup> most of the forced marriages held between 1977 and 1978 were presided over by Southwest Zone cadres.<sup>2656</sup>
978. The evidence discloses that the nature of these marriages had a lasting psychological impact on the individuals involved. Several civil party applicants have stated the

<sup>2651</sup> **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111875, A10.

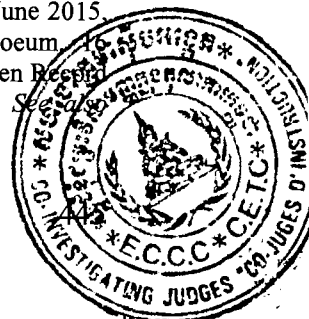
<sup>2652</sup> **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111875, A10-A11.

<sup>2653</sup> 2 couples: **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492885, A40; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067742, A116; 3 couples: **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111926, A50; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111917, A28; 7 couples: **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A6; 10 couples: **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168081, A112; 11 couples: **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 February 2015, ERN 01072567, A24; More than 20 couples: **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067743, A125-A127; 40 couples: **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067743, A125-A127.

<sup>2654</sup> 10 to 20 couples: **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152265, A43; **D219/840**, Written Record of Interview of Civil Party Applicant Khim Det, 24 September 2016, ERN 01492885, A40; 10 to 50 couples: **D118/240**, Written Record of Interview of Civil Party Applicant Hoey San, 19 May 2014, ERN 01033044, A82; 50/60/70 couples: **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A6.

<sup>2655</sup> **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111882, A17; **D219/841**, Written Record of Interview of Civil Party Applicant Heng Kuylang, 26 September 2016, ERN 01390133, A55; **D118/298**, Written Record of Interview of Civil Party Applicant Khiem Bo, 1 September 2014, ERN 01044743-01044744, A73-A74; **D219/261**, Written Record of Interview of Civil Party Applicant Khoeun Sngoeun, 6 April 2015, ERN 01095837, A9, ERN 01095844, A50.

<sup>2656</sup> **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111874, A6; **D219/528**, Written Record of Interview of Witness Lonh Lun, 28 September 2015, ERN 01168080, A105-A106; **D219/307**, Written Record of Interview of Witness Pall Yung, 9 May 2015, ERN 01111925, A30, ERN 01111926, A37, A42; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111918, A40; **D219/396**, Written Record of Interview of Civil Party Applicant Sin Ban, 28 June 2015, ERN 01130594, A4; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067735, A51, ERN 01067740, A90, ERN 01067744, A128; **D219/167**, Written Record of Interview of Civil Party Applicant Khiem Koeuy, 5 September 2015, ERN 01072566, A23. See also **D219/446**, Written Record of Interview of Witness Tek Sim, 4 August 2015, ERN 01152265, A43.



emotional difficulties they experienced in having to marry someone they did not know or love,<sup>2657</sup> and in not being married according to Khmer traditions.

979. A number of couples who were forcibly married in Kampong Prieng Commune have since separated or divorced.<sup>2658</sup>

#### 5.5.7.3 Sector 1: Samlaut District

980. Two witnesses were part of a marriage ceremony occurring on 20 August 1978 in Samlaut District, at which **Yim Tith** was present at least up until it started, and which Ta Mok attended. They are Preap Kap, a disabled soldier, and his wife Nop Ngim, who was the Samlaut District Deputy Secretary at the time.

981. Their evidence on the conduct of the ceremony is consistent with the evidence above. The ceremony was brief, not traditional. There is, however, considerable doubt over whether Preap Kap himself was forced to marry Nop Ngim.

982. Preap Kap was a soldier who “lost [his] eyesight” in 1975 and consequently, was sent to a disabled soldiers unit.<sup>2659</sup> He was sent from Ta Khmau Village in the Southwest Zone to Samlaut District in the Northwest Zone on 10 August 1978.<sup>2660</sup> Upon his arrival in Samlaut, Ta Mok called a meeting and told a group of 40 disabled persons that he was arranging their marriages, but did not provide any further details.<sup>2661</sup> On the day of his marriage ceremony, Preap Kap’s group chairman told the group of disabled soldiers to be ready for political training at the Samlaut District Office.<sup>2662</sup> When the soldiers arrived at the district office, they saw that a long table had been arranged, that

<sup>2657</sup> **D219/303**, Written Record of Interview of Civil Party Applicant Khoeun Choem, 6 May 2015, ERN 01111894, A14; **D219/306**, Written Record of Interview of Civil Party Applicant Sin Ban, 8 May 2015, ERN 01111917, A33; **D219/125**, Written Record of Interview of Civil Party Applicant Srey Soeum, 16 December 2014, ERN 01067743, A120, A124, ERN 01067746, A151, ERN 01067749, A169-A171.

<sup>2658</sup> **D219/300**, Written Record of Interview of Witness Im Bun Chhoeun, 2 May 2015, ERN 01111875, A9; **D219/301**, Written Record of Interview of Witness Soeung Chan Than, 4 May 2015, ERN 01111883, A24; **D219/841**, Written Record of Interview of Civil Party Applicant Heng Kuylang, 26 September 2016, ERN 01390138, A86.

<sup>2659</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053903-01053904, A15-A16.

<sup>2660</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053907, A32.

<sup>2661</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053909-01053910, A44.

<sup>2662</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053911-01053912, A51.





name plaques had been placed on the table, and they were then ordered to sit down with the soldiers on one side and the would-be brides on the other side.<sup>2663</sup>

983. The newlyweds received beds, mosquito nets and hammocks after their wedding together with a signed letter which read “*From Sector 1 Committee, Tith*”.<sup>2664</sup> Preap Kap remembers reading this letter, by holding it close to his eyes, despite being quite short-sighted and having to rely on his wife to guide him around otherwise.<sup>2665</sup> The fact of his bad eyesight does, however, cast doubt on the reliability of his testimony about the incident of the letter and on some of his other observations.

984. He also made contradictory statements over time which affect the reliability of his narrative: according to one statement, he was never asked whether he wanted to get married but followed orders and instructions because “*otherwise [they] would have problems*”.<sup>2666</sup> This is, on the face of it, corroborated by the impression of the ceremony given by Nop Ngim.<sup>2667</sup> However, his account does not match his different narrative in his previous DC-Cam statement, where he alleges that he actually asked to be married to her.<sup>2668</sup>

985. Nop Ngim states that she was “*very angry*” with Ta Mok when he told her that she had to get married because she did not love Preap Kap, but she agreed to the marriage because she was afraid of *Angkar*.<sup>2669</sup> She did not know why such a ceremony had been arranged at all, and “*suddenly, [she] was seized to be wed*”.<sup>2670</sup> According to her, Preap Kap did not make any proposal to the cadres to marry her, even one that she may have been unaware of – yet, it seems illogical that she can testify to the absence of something she did not know about to begin with. The witness was then confronted with her husband’s DC-Cam statement: “*I also liked her. Ta Mok let me choose. He did not force me*”,<sup>2671</sup> to which she responded that she never heard of this from her husband.<sup>2672</sup>

<sup>2663</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053911-01053912, A51.

<sup>2664</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053909-01053910, A44.

<sup>2665</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053904, A17, ERN 01053909-01053910, A44.

<sup>2666</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053916, A75.

<sup>2667</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044685-01044686, A68.

<sup>2668</sup> **D219/62.1**, DC-Cam Statement of Preab Kab, 3 November 2014, ERN 01063385.

<sup>2669</sup> **D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A10-11.

<sup>2670</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432970.

<sup>2671</sup> **D219/62.1**, DC Cam Statement of Preab Kab, 3 November 2014, ERN 01063385.



There is thus reason to believe that at least in their case, the marriage may have been forced only from Nop Ngim's point of view.

986. Evidence regarding **Yim Tith's** presence during the ceremony is inconsistent. On the one hand, Preap Kap says that he got to know **Yim Tith's** identity on the day of the ceremony,<sup>2673</sup> when his wife told him that **Yim Tith** and Ta Mok attended their wedding,<sup>2674</sup> he then explains that Ta Mok introduced "*Comrade Tith*" during the ceremony and **Yim Tith** gave a speech.<sup>2675</sup> He adds that district secretary Yeay Leng conducted a closing ceremony,<sup>2676</sup> and that **Yim Tith** attended the ceremony until the end.<sup>2677</sup> It is important to remember that it is very unlikely due to his bad eyesight that Preap Kap would actually have seen **Yim Tith** clearly; indeed he admits in his DC-Cam statement that he never saw his face.<sup>2678</sup> On the other hand, Nop Ngim's evidence does not support **Yim Tith's** involvement in the entire ceremony. According to her, "*Yim Tith came and talked to Ta Mok before the wedding started*";<sup>2679</sup> only Ta Mok was present during the ceremony, and then **Yim Tith** came a few days later to check on the newlyweds' compliance.<sup>2680</sup> The evidence is therefore inconclusive as to **Yim Tith's** participation during the ceremony. It does, however, show that **Yim Tith** was present until the moment it got under way.
987. Both Preap Kap and Nop Ngim provide matching evidence that of the 40 couples at the ceremony, two women left and were in the end not required to marry and were not punished because Ta Mok decided that they were too young to participate.<sup>2681</sup>
988. The evidence of both regarding the monitoring after the ceremony is contradictory and does not allow the certain conclusion that in their particular case, such surveillance took

<sup>2672</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382743-01382744.

<sup>2673</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053910, A45.

<sup>2674</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053907, A29.

<sup>2675</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053910, A46.

<sup>2676</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, 01053911, A47. *See also* **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044679, A33, ERN 01044687, A74. *Cf.* **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382727, lines 12-13.

<sup>2677</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053911, A48.

<sup>2678</sup> **D219/62.1**, DC-Cam Statement of Preap Kap, 22 May 2011, ERN 01063386.

<sup>2679</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044686, A73.

<sup>2680</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382721, lines 3-7, ERN 01382727, lines 12-13.

<sup>2681</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053911, A45.

**D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044686, A69.

**D219/298**, Written Record of Interview of Witness Nop Ngim, 7 May 2015, ERN 01111860, A11.



place. Both witnesses first indicated that they themselves were not spied upon after the wedding,<sup>2682</sup> and Preap Kap did not hear of this happening from anyone else either.<sup>2683</sup> He was neither told to consummate his marriage,<sup>2684</sup> nor given any other instructions about what was expected from a husband and wife.<sup>2685</sup> However, this deviation from the regular pattern would seem to match his DC-Cam statement which refers to his desire to marry Nop Ngim,<sup>2686</sup> which would have made such encouragement mostly redundant.

989. To the contrary, Nop Ngim alleges in a separate statement that the militia were in fact “*keeping track*” of newlyweds,<sup>2687</sup> which was neither normal by Khmer traditional standards,<sup>2688</sup> nor a practice of the militia before Nop Ngim was married;<sup>2689</sup> again, this later statement would seem at odds with evidence from other crime sites. She further states that a few days after the ceremony, **Yim Tith** came to ask if “*anybody did not consent to living together*” and “*advised [newlyweds] to live together happily*”.<sup>2690</sup> She testified that she understood from **Yim Tith**’s instructions, given at some point either after the ceremony or during his visit a few days afterwards, that “*once one was married, it was then a must to be sleeping together*”<sup>2691</sup> and she pretended to do so, because she was afraid the militia might find out that couples were not sleeping together or did not love each other.<sup>2692</sup> Militia, she explained, would report couples who were not getting along to the Commune Committee, who would then summon the couple for “*instruction to love each other*”.<sup>2693</sup>

<sup>2682</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053912, A52; **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01044686, A70.

<sup>2683</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053912, A52.

<sup>2684</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053916, A76.

<sup>2685</sup> **D219/62**, Written Record of Interview of Witness Preap Kap, 3 November 2014, ERN 01053916, A77.

<sup>2686</sup> **D219/62.1**, DC-Cam Statement of Preap Kap, 3 November 2014, ERN 01063385.

<sup>2687</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432969, A146-A147.

<sup>2688</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432971, A155-A156.

<sup>2689</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432971, A159.

<sup>2690</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382721, lines 3-7, ERN 01382727, lines 12-13.

<sup>2691</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432970, A149-A153.

<sup>2692</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432969, A146-A147.

<sup>2693</sup> **D219/835**, Written Record of Interview of Witness Nop Ngim, 20 September 2016, ERN 01432970, A158.



990. However, in her testimony in Case 002/2,<sup>2694</sup> she could not fully clarify the contradictions in the previous narrative: she testified that she knew that cadres were monitoring them because they saw them at night and discussed amongst themselves that they needed to be careful because of the militiamen. When asked to account for the inconsistency in her previous WRI,<sup>2695</sup> in which she said that no-one monitored them, she simply repeated that she was afraid of being monitored but that she never heard from district secretary Leng about militiamen being deployed to monitor newlyweds.<sup>2696</sup>

991. The evidence of both witnesses taken together is not sufficient to establish that monitoring after the ceremony occurred in this incident. This may partially be explained in their own case by the fact that there is reason to believe that it was consensual at least from the groom's side. However, that in and of itself is no cause to discount the testimony with regard to the involuntariness of the marriage for the majority of the other 37 couples, as discussed above. The fact that:

- i. all brides were former workers from Srae Ambel;
- ii. all grooms were disabled soldiers coming from other parts of the country and there is a suspicion that they were meant to be "rewarded" with a wife for their service to *Angkar*, when might otherwise have found it difficult on account of their disability to find a wife through normal courtship;
- iii. all of them had to get married, although they had not known one another before; and that
- iv. among the women, all "*got angry*", some cried and two ran away,

supports the conclusion that, at least from the brides' point of view, these weddings were not voluntary.<sup>2697</sup>

<sup>2694</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382731, lines 8-10.

<sup>2695</sup> **D118/285**, Written Record of Interview of Witness Nop Ngim, 12 August 2014, ERN 01063385, A70.

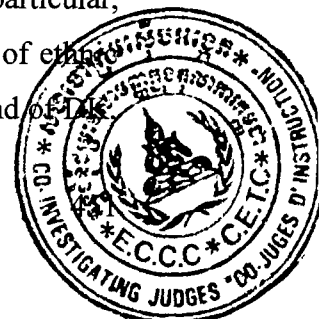
<sup>2696</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382749, lines 16-21.

<sup>2697</sup> **D219/974.1.2**, Transcript of Hearing on the Substance in Case 002/02 [Nop Ngim], 5 September 2016, ERN 01382711, ERN 01382713-01382715.



## 6 LEGAL FINDINGS ON PERSONAL JURISDICTION

992. **Yim Tith** falls under the ECCC's personal jurisdiction as one of the "*persons most responsible*" pursuant to the criteria set out above in the section on the applicable law.
993. As far as his official rank is concerned, he rose very quickly from the position of a deputy district secretary in the Southwest Zone to that of a deputy zone secretary and, towards the end of DK, possibly even full zone secretary in the Northwest Zone. He was moreover sector secretary for a number of sectors in the Northwest Zone. His authority under CPK law thus stretched very far, both geographically and hierarchically.
994. His official position – and his meteoric rise – were supported by his close family ties to a cadre at the apex of the CPK hierarchy, Ta Mok, whose brother-in-law he was. Even before his formal installation in the Northwest Zone, he could be seen travelling all over the Zone with Ta Mok, attending meetings etc. He was the *de facto* second-in-command of Ta Mok, and, as the evidence has shown, he also retained *de facto* authority over his previous area of activity in the Southwest Zone, even after moving to the Northwest Zone.
995. The gravity of his conduct also supports the finding that he was one of those most responsible for the crimes committed during DK. Even after reducing the crime sites resulting from the original list based on the Introductory Submission by nearly half under Internal Rule 66 *bis*, he still is being held responsible for crimes at over 20 sites. These crimes range from genocide over extermination to a wide array of other crimes against humanity, war crimes and homicide under domestic law.
996. Prominent in this respect is his participation in, and orchestration of, the genocide of the Khmer Krom in his areas of responsibility. As in Cases 004/2 and 003, this fact alone places him solidly within the bracket of personal jurisdiction. The extent of the genocidal targeting of the Khmer Krom based on their ethnicity is highlighted by the fact that in some cases, they were transferred from Kampuchea Krom in Vietnam to DK and then killed there. The evidence in this case on the numbers of Khmer Krom killed has suffered from the typical effect of deterioration of witness evidence in particular, but even bearing that in mind, a picture still emerges of a ruthless campaign of ethnic cleansing that was cut short merely by the arrival of the Vietnamese and the end of DK.



and the death toll, which even at a conservative estimate based on the evidence unearthed in the investigation ran well into the thousands, would have kept rising otherwise.

997. Apart from the genocidal targeting of the Khmer Krom, other civilians and former CPK cadres were victimised under and by **Yim Tith** in their tens of thousands, based on the CPK's misguided and delusional political vision, through serial and well-organised mass killings, as well as cruel and inhuman treatment through imprisonment and hard labour in unspeakable conditions, in security centres and at worksites. The level of disdain for human dignity shown in these facilities and the degree of inhumanity of those operating them is comparable to the horror of the concentration camps in Nazi Germany.

998. The same level of contempt for individual life choices and especially sexual self-determination was implemented through the policy on forced marriages. Men and women were subjected by **Yim Tith**, and those he collaborated with, to the CPK's abhorrent social experiment of reducing the institution of marriage to a mere instrument in the propagation of the species and to increasing the Khmer population, devoid of any human emotion but fear, revulsion, anger and lingering resentment. The implementation of this policy marred the lives of many Khmer for decades. While both men and women suffered, the main impact was nonetheless felt by the female victims, who were often treated as mere rewards and recompense for soldiers who had been disabled in combat and were thus facing difficulties finding a partner through normal courtship. These women were in essence not treated any different from chattels, based on an archaic attitude that even under the ostensibly communist and egalitarian ideology of the CPK implicitly still claimed that men – or society – have some sort of innate right to, or control over, women's bodies and sexuality. This proprietary attitude in many cases found its expression in the monitoring of the 'consummation of the marriage', in this context nothing but a euphemism for rape – a crime that has, however, been held not to have been part of the customary law of crimes against humanity, as a distinct crime, during the temporal jurisdiction of the ECCC.



999. **Yim Tith** played a major role in all of the atrocities described above and wholeheartedly subscribed to the ideology at the core, and the implementation, of the CPK's inhuman societal model. His role and actions easily compare with those of Ao An or Meas Muth, for example, and certainly with those of Kaing Guek Eav alias "Duch"; they even exceed some of those significantly. There can thus be no doubt that **Yim Tith** is subject to the Court's jurisdiction.

## 7 LEGAL FINDINGS ON CRIMES

### 7.1 Chapeau elements of crimes against humanity

1000. Between at least mid-1976 and 6 January 1979, the CPK carried out an attack against the civilian populations in the Southwest and Northwest Zones of DK. The attack was carried out through four main pillars.

1001. Firstly, the CPK implemented a policy to establish cooperatives and worksites throughout Cambodia and forcibly relocate the entire population to work on them. The ultimate objective was to transform Cambodia into an autarkic socialist state based on an agrarian economy. The CPK forced the civilian population to work without remuneration and under disastrous living and working conditions, which exposed workers to great physical and mental suffering. Many died from exhaustion, starvation and disease. Others were executed for minor transgressions or other arbitrary reasons.

1002. The second facet of the CPK's attack on the civilian population in these Zones involved the re-education of "*bad elements*" and killing of "*enemies*" both inside and outside the CPK ranks. The CPK established security centres and execution sites throughout the Zones, which were used to identify, monitor and re-educate or kill perceived enemies of DK. Anyone suspected of even minor wrongdoing or disloyalty was a potential target for arrest, torture and execution.

1003. Thirdly, the CPK identified, targeted and systematically purged particular categories of people perceived as potential threats to the DK regime or to have views otherwise incompatible with CPK doctrine. These included East Zone Evacuees, Northwest Zone cadres, people forcibly relocated from urban areas, former soldiers and other officials of the Khmer Republic, the Khmer Krom and others with religious, ethnic, political economic or national identities perceived to be a threat to the CPK's goal to refashion Cambodian society.



1004. The fourth aspect of the CPK's attack on the population was the regulation of marriage in order to increase the population and build ideologically pure families. The CPK forced people to marry a spouse chosen by *Angkar* and, in many cases, compelled the couple to consummate their marriage.

1005. The systematic nature of the attack is evident from its centralised planning, organisation, and implementation involving all levels of the civilian administration and the RAK. Furthermore, the widespread nature of the attack is reflected in its broad temporal and geographic scope, as well as the vast number of victims. The attack was directed against the civilian population of both Zones. It was carried out on political grounds; it was the implementation of the CPK's political agenda.

1006. By virtue of his positions listed above under paragraphs 327-385, **Yim Tith** was a central participant in the widespread and systematic attack against the civilian population. Through regular meetings, site visits, and the CPK's rigorous reporting system, **Yim Tith** had full knowledge of the attack and that his acts were part of it.

## **7.2 Chapeau elements of grave breaches of the Geneva Conventions of 1949**

1007. From at least mid-April 1975 until 6 January 1979, armed hostilities took place between DK and the SRV in the form of an international armed conflict. The fact that there were intermittent lulls in fighting as well as ultimately unsuccessful attempts to bring about cessation of the hostilities does not detract from the fact that relevant to the crimes against the Khmer Krom, as considered in this Closing Order, the international armed conflict persisted, that the crimes were committed as part of it, and that the Khmer Krom were protected persons. As a CPK official of his rank, **Yim Tith** was necessarily aware of the conflict and its link to the committed crimes.





### 7.3 Findings on individual crimes

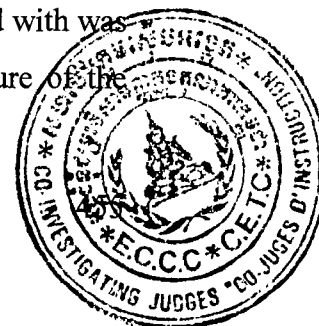
#### 7.3.1 Genocide of the Khmer Krom

1008. The evidence shows to a sufficient level of probability that there existed a nationwide plan to eliminate a distinct ethnic group, the Khmer Krom, or at least a substantial part of them because of their ethnicity. The plan to destroy the Khmer Krom was carried out through systematic mass executions in the areas of DK with the highest concentration of Khmer Krom populations. The fact that a small number of Khmer Krom were initially included in a special military unit does not detract from that, because even in the National Socialist regime of concentration camps Jewish prisoners, for example, were detained for different and often long periods and given tasks within the camps which ultimately helped them survive, although as such by the regime's policies they were destined to be killed as part of the general move to purge all Jews from society.

1009. The Khmer Krom were targeted not because of their actions but because of their ethnic status, as being linked to the Vietnamese and hence *per definitionem* untrustworthy for, and inimical to, the CPK. In other words, their ethnicity triggered an irrebuttable presumption of being enemies, regardless of whether that was actually the case. The extent of the genocidal targeting of the Khmer Krom based on their ethnicity is highlighted by the fact that in some cases, they were transferred from Kampuchea Krom in Vietnam to DK and then killed there.

1010. Individual occurrences such as, for example, the arrest and killings of the so-called 'White Scarves', i.e. allies of the former regime, do not change this evaluation, because the mere fact of their being allied to an opposing force is not a reason under international law for killing them; in fact, it would have given rise to protections under humanitarian law. The evidence supports the conclusion that the fate of those arrested was determined not only by their action, but mainly by their ethnicity. The fact that other motives may also have played a role is ultimately irrelevant because genocidal intent can be part of a bundle of intentions and motives and does not lose its potency as long as it remains the dominant factor; this was the case here.

1011. The treatment of the Khmer Krom was thus based on discriminatory grounds due to their ethnicity, and the intent of the CPK, **Yim Tith**, and those he collaborated with was to destroy them or at least a substantial part of them. The systematic nature of the



killing operation over such large areas of both the Southwest and Northwest Zones and the number killed at the crime sites listed above are clear testament to that. Moreover, **Yim Tith** was a notoriously vocal proponent of destroying any 'enemy' associated with the Vietnamese, including the Khmer Krom.

1012. There is sufficient evidence to conclude that the crime of genocide against the Khmer Krom by killing members of the group was committed at the following locations:

Sector 13 of the Southwest Zone

*Wat Pratheat Security Centre* (paragraphs 433-469)

*Kraing Ta Chan Security Centre* (paragraphs 470-526)

*Preil Village Execution Site* (paragraphs 527-546)

*Wat Angkun Execution Site* (paragraphs 547-554)

*Slaeng Village Forest Execution Site* (paragraphs 555-565)

Sector 2 of the Northwest Zone

*Phum Veal Security Centre* (paragraphs 747-771)

*Svay Chrum Security Centre* (paragraphs 772-796)

*Tuol Seh Nhauv Execution Site* (paragraphs 797-810)

*Prey Krabau Execution Site* (paragraphs 811-826)

Sector 4 of the Northwest Zone

*Kampong Prieng Commune (Wat Po Laingka/Kach Roteh Security Centre, Kach Roteh, Thmei and Sala Trav Villages)* (paragraphs 870-910, 918-920)

*Reang Kesei Commune* (paragraphs 894, 911-920)



***Charges to be dismissed***

The evidence does not establish the alternatives of causing serious bodily or mental harm, nor of the imposition of conditions intended to bring about the destruction of the group, at any of the charged crime sites. These charges must be dismissed.

***Kampong Kol Sugar Factory Worksite (paragraphs 738-746)***

The evidence does not suffice for a finding of genocide at Kampong Kol Sugar Factory Worksite. This charge must be dismissed.

***Prey Sokhon Execution Site and Wat Ang Serei Muny (paragraphs 566-585)***

For the reasons set out in paragraph 1035, the charge of genocide at Prey Sokhon Execution Site and Wat Ang Serei Muny must be dismissed.

***7.3.2 Crimes against humanity***

1013. There is sufficient evidence to conclude that the following crimes against humanity were committed at the following locations:

**Sector 13 of the Southwest Zone*****Wat Pratheat Security Centre (paragraphs 433-469)***

Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions), political persecution of the 17 April People and the Khmer Krom and racial persecution of the Khmer Krom (through murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions))

***Kraing Ta Chan Security Centre (paragraphs 470-526)***

Murder, extermination, imprisonment, torture, other inhumane acts (forcible transfer and confinement in inhumane conditions), political persecution of the 17 April People and the Khmer Krom, and racial persecution of the Khmer Krom (through murder, extermination, imprisonment, torture, other inhumane acts (forcible transfer and confinement in inhumane conditions))



*Preil Village Execution Site (paragraphs 527-546)*

Murder, extermination, deportation, other inhumane acts (forcible transfer), political and racial persecution of the Khmer Krom (through murder, extermination, deportation, other inhumane acts (forcible transfer))

*Wat Angkun Execution Site (paragraphs 547-554)*

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

*Slaeng Village Forest Execution Site (paragraphs 555-565)*

Murder, deportation, other inhumane acts (forcible transfer), political and racial persecution of the Khmer Krom (through murder, deportation, other inhumane acts (forcible transfer))

*Prey Sokhon Execution Site and Wat Ang Serei Muny (paragraphs 566-585)*

Murder, extermination, imprisonment

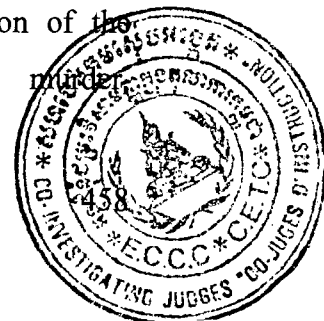
For the reasons set out in paragraph 1035, the charge of persecution at Prey Sokhon Execution Site and Wat Ang Serei Muny must be dismissed.

*Sector 1 of the Northwest Zone**Koas Krala Security Centre (paragraphs 586-595)*

Murder, extermination, imprisonment, political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment)

*Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite) (paragraphs 596-651)*

Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder



extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions))

*Kang Hort Dam Worksite* (paragraphs 652-700)

Murder, extermination, enslavement, imprisonment, political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment), other inhumane acts (confinement and working in inhumane conditions))

*Banan Security Centre* (paragraphs 701-719)

Murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions))

*Khnam Kou Security Centre* (paragraphs 720-737)

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

The charge of torture and the related charge of persecution through the underlying act of torture are not supported by the evidence and must be dismissed.

*Kampong Kol Sugar Factory Worksite* (paragraphs 738-746)

Murder

The charges of extermination and persecution are not supported by the evidence and must be dismissed.



*Samlaut District* (paragraphs 980-991)

Other inhumane acts (forced marriage)

*Sector 2 of the Northwest Zone*

*Phum Veal Security Centre* (paragraphs 747-771)

Murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions), political and racial persecution of the Khmer Krom (through murder, extermination, imprisonment, other inhumane acts (confinement in inhumane conditions))

*Svay Chrum Security Centre* (paragraphs 772-796)

Murder, imprisonment, other inhumane acts (confinement in inhumane conditions), political and racial persecution of the Khmer Krom (through murder, imprisonment, other inhumane acts (confinement in inhumane conditions))

*Tuol Seh Nhauv Execution Site* (paragraphs 797-810)

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

*Prey Krabau Execution Site* (paragraphs 811-826)

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

***Charges to be dismissed***

*Changreangsei Pagoda Execution Site* (paragraphs 827-828)

The evidence does not support any charges related to Changreangsei Pagoda Execution Site. These charges must be dismissed.



Sector 3 of the Northwest Zone*Wat Kirirum Security Centre (paragraphs 829-849)*

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

Sector 4 of the Northwest Zone*Wat Samdech Security Centre (paragraphs 850-869)*

Murder, extermination, political persecution of the Northwest Zone cadres, their families and subordinates (through murder and extermination)

*Kampong Prieng Commune (Wat Po Laingka/Kach Roteh Security Centre, Kach Roteh, Thmei and Sala Trav Villages) (paragraphs 870-910, 918-920, 967-979)*

Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement in inhumane conditions, forced marriage), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions)) and political and racial persecution of the Khmer Krom (through murder and extermination))

*Reang Kesei Commune (paragraphs 894, 911-920, 950-966)*

Murder, extermination, other inhumane acts (forced marriage), political and racial persecution of the Khmer Krom (through murder and extermination)



Sector 7 of the Northwest Zone*Prison No. 8 (paragraphs 921-939)*

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the East Zone Evacuees (through enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

The evidence does not support the charge of torture at the site, nor the related charge of persecution. These charges must be dismissed.

*Veal Bak Chunching Execution Site (paragraphs 940-948)*

Murder, extermination, political persecution of the East Zone Evacuees (through murder and extermination)

7.3.3 War crimes

1014. The evidence supports the commission of the following war crimes at the following locations:

Sector 13 of the Southwest Zone*Kraing Ta Chan Security Centre (paragraphs 428-432, 470-526)*

Grave Breaches of the Geneva Conventions 1949: wilful killing, unlawful transfer of civilians.

*Preil Village Execution Site (paragraphs 428-432, 527-546)*

Grave Breaches of the Geneva Conventions 1949: wilful killing, unlawful deportation or transfer of civilians

*Wat Angkun Execution Site (paragraphs 428-432, 547-554)*

Grave Breaches of the Geneva Conventions 1949: wilful killing

*Slaeng Village Forest Execution Site (paragraphs 428-432, 555-565)*



Grave Breaches of the Geneva Conventions 1949: wilful killing, unlawful deportation or transfer of civilians

*7.3.4 Violations of the 1956 Penal Code*

1015. The evidence supports the commission of premeditated murder at the following locations:

*Sector 13 of the Southwest Zone*

*Wat Pratheat Security Centre* (paragraphs 433-469)

*Kraing Ta Chan Security Centre* (paragraphs 470-526)

*Preil Village Execution Site* (paragraphs 527-546)

*Wat Angun Execution Site* (paragraphs 547-554)

*Slaeng Village Forest Execution Site* (paragraphs 555-565)

*Prey Sokhon Execution Site and Wat Ang Serei Muny* (paragraphs 566-585)

*Sector 1 of the Northwest Zone*

*Koas Krala Security Centre* (paragraphs 586-595)

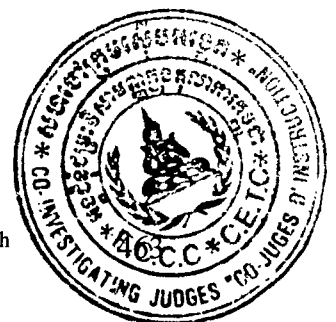
*Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)* (paragraphs 596-651)

*Kang Hort Dam Worksite* (paragraphs 652-700)

*Banan Security Centre* (paragraphs 701-719)

*Khnamg Kou Security Centre* (paragraphs 720-737)

*Kampong Kol Sugar Factory Worksite* (paragraphs 738-746)



Sector 2 of the Northwest Zone*Phum Veal Security Centre* (paragraphs 747-771)*Svay Chrum Security Centre* (paragraphs 772-796)*Tuol Seh Nhauv Execution Site* (paragraphs 797-810)*Prey Krabau Execution Site* (paragraphs 811-826)***Charges to be dismissed****Chanreangsai Pagoda Execution Site* (paragraphs 827-828)

The evidence does not support any charges related to Changreangsei Pagoda Execution Site. These charges must be dismissed.

Sector 3 of the Northwest Zone*Wat Kirirum Security Centre* (paragraphs 829-849)Sector 4 of the Northwest Zone*Wat Samdech Security Centre* (paragraphs 850-869)*Kampong Prieng Commune – Wat Po Laingka/Kach Roteh Security Centre, Kach Roteh, Thmei and Sala Trav Villages* (paragraphs 870-910, 918-920)*Reang Kesei Commune* (paragraphs 894, 911-920)Sector 7 of the Northwest Zone*Prison No. 8* (paragraphs 921-939)*Veal Bak Chunching Execution Site* (paragraphs 940-948)

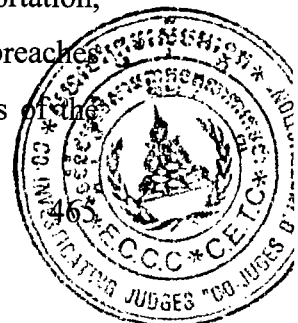
## 8 LEGAL FINDINGS ON MODES OF LIABILITY

### 8.1 International crimes

#### 8.1.1 Commission via JCE

1016. There were three distinct JCEs of which **Yim Tith** was a member:

- i. By at least early 1977 until at least 6 January 1979, **Yim Tith**, Ta Mok, and other trusted Southwest Zone cadres carried out an operation in the Northwest Zone of DK to implement the CPK's policies on the establishment and operation of cooperatives and worksites; the regulation of marriage implemented through *inter alia* the forced marriage of the population; the re-education of so called 'bad elements' and the killing of 'enemies' and 'bad elements' both inside and outside the CPK ranks; and the targeting of specific groups. The participants in this JCE intended to and implemented these policies through the commission of the crimes against humanity of imprisonment, murder, extermination, enslavement, other inhumane acts, and persecution. These crimes were carried out by members of the JCE or by non-members used by the JCE members as tools at Koas Krala Security Centre, Thipakdei Cooperative (including at Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite), Kang Hort Dam Worksite, Banan Security Centre, Khnang Kou Security Centre, Kampong Kol Sugar Factory Worksite, Samlaut District, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv Execution Site, Prey Krabau Execution Site, Wat Kirirum Security Centre, Wat Samdech Security Centre, Kampong Prieng Commune (including at Kach Roteh, Thmei and Sala Trav villages and Wat Po Laingka/Kach Roteh Security Centre), Reang Kesei Commune, Prison No. 8, Veal Bak Chunching Execution Site ("JCE A").
- ii. From at least 1976 until 6 January 1979, **Yim Tith**, Ta Mok and other Southwest Zone cadres shared the common objective to implement in specific areas of DK a nationwide plan for the elimination in whole or in part of the Khmer Krom. The participants in this JCE intended to and implemented the plan through the commission of the crime of genocide by killing members of the group, the crimes against humanity of murder, extermination, enslavement, deportation, imprisonment, torture, persecution, and other inhumane acts and, grave breaches of the Geneva Conventions. These crimes were carried out by members of the



JCE or by non-members used by the JCE members as tools at Wat Pratheat Security Centre, Kraing Ta Chan Security Centre, Preil Village Execution Site, Wat Angkun Execution Site, Slaeng Village Forest Execution Site, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv Execution Site, Prey Krabau Execution Site, Kampong Prieng Commune including at Kach Roteh, Thmei and Sala Tray villages and Wat Po Laingka/Kach Roteh Security Centre, Reang Kesei Commune (“JCE B”).

- iii. From at least September-October 1975 until 6 January 1979, **Yim Tith**, other CPK cadres and security centre personnel shared the common objective of furthering a system of ill-treatment at Wat Pratheat Security Centre. The participants in this second-category JCE intended to and implemented the system of ill-treatment through the commission of the crimes against humanity of imprisonment, enslavement, torture, murder, extermination, other inhumane acts, and persecution, and genocide. These crimes were carried out by members of the JCE or by non-members used by the JCE as tools (“JCE C”).

1017. **Yim Tith** became a member of:

- i. JCE A as early as early 1977 when he first began visiting sites in the Northwest Zone even before his formal installation in the various positions there;
- ii. JCE B no later than when he took office in various functions on the Sector 13 Committee by some point in 1976; and
- iii. JCE C no later than when he took office in various functions in Kirivong District by at least September-October 1975.

1018. He remained a member of all JCEs until 6 January 1979.

1019. **Yim Tith** was aware of all CPK activities in his areas of control. This knowledge was obtained through meetings and the system of communication and reporting he maintained with his superiors and subordinates. **Yim Tith** was one of the primary persons responsible for implementing CPK policy in his areas of responsibility and thus fully aware that implementing the four CPK policies was to be achieved through



charged crimes. With that knowledge, he continued to use his authority and power to actively contribute to the implementation of each policy.

1020. It bears mentioning, although it was not charged as such, that the investigation over time established that on the one hand his authority over his previous areas in the Southwest Zone continued after his move to the Northwest Zone, and that on the other hand his *de facto* authority went beyond that formally given to him through his official appointments but arose from his close personal relationship with Ta Mok, who was at the apex of operations in both Zones.

1021. **Yim Tith** made a significant contribution to the policy on worksites and cooperatives by, *inter alia*, convening meetings with his subordinates and instructing them on how to implement CPK economic policy, supervising and inspecting worksites, overseeing and monitoring construction and production, controlling and mobilising the workforce and resources for the operation of worksites and cooperatives, announcing that people who failed to complete their work satisfactorily would be considered enemies and, by implication, killed.

1022. **Yim Tith** made a significant contribution to the CPK policies on killing enemies, eliminating the Khmer Krom, and targeting other specific groups, including Northwest Zone CPK cadres, former officials of the Khmer Republic, '17 April People', East Zone Evacuees, and their families by, *inter alia*, participating in meetings in both Zones; identifying and denouncing as traitors and enemies persons among these groups to be purged; ordering arrests and killings; convening meetings with his subordinates about purge operations and ordering them to be constantly vigilant in carrying out arrests and killings; monitoring the implementation of the purge; and coordinating a network of security centres and killing sites through which prisoners were routinely identified, screened, interrogated, tortured, and killed. Along with his attestations expressing his commitment to carry out the plans of *Angkar*, this demonstrates his intent to implement the policies to destroy enemies and target specific groups on political, ethnic or racial grounds, as applicable.

1023. **Yim Tith** shared the special intent to destroy the Khmer Krom through the underlying acts of killing members of the Khmer Krom population.



1024. **Yim Tith**, by his presence at least at the beginning of one mass-wedding ceremony in Samlaut District and a few days after to give instructions to the newlyweds, made a significant contribution to the CPK policy on forced marriage. This also demonstrates his intent to implement the policy on forced marriage.

1025. **Yim Tith** is not, however, liable via any JCE for the crime of genocide or the crime against humanity of persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny as all allegations at Prey Sokhon Execution Site and Wat Ang Serei Muny involving Khmer Krom took place prior to **Yim Tith**'s membership of any relevant JCE.

#### 8.1.2 *Direct commission*

1026. **Yim Tith**'s conduct in Samlaut District, Sector 1, as described above, amounts to the direct commission of the crime against humanity of other inhumane acts through conduct characterised as forced marriage.

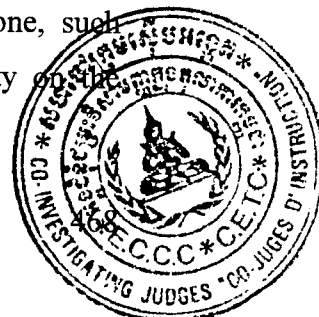
#### 8.1.3 *Planning*

1027. The evidence supporting the conclusions regarding **Yim Tith**'s contribution to the JCE policies also supports the conclusion that he planned the crimes committed, as specified in the indictment. There is no other reasonable conclusion. Given **Yim Tith**'s authority and his frequent visits to sites, the only reasonable inference is that **Yim Tith** also intended for these crimes to be committed. This applies to worksites, and security centres/killing sites and the implementation of forced marriage.

1028. **Yim Tith** is not, however, liable for planning the crime of genocide or the crime against humanity of persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny, for the reasons explained in paragraph 1025.

#### 8.1.4 *Ordering*

1029. In the areas of his responsibility under his official functions and during the time he exercised them, the only reasonable conclusion is that **Yim Tith** also must inevitably have ordered the commission of the crimes committed, as specified in the indictment. In relation to crimes committed in Sectors 2 and 7 of the Northwest Zone, such conclusion is based on evidence relating to **Yim Tith**'s role and authority on the



Northwest Zone Committee. This applies to worksites, and security centres/killing sites and the implementation of forced marriage.

1030. **Yim Tith** is not, however, liable for ordering:

- i. the crimes committed at Veal Bak Chunching Execution Site as they took place prior to his appointment to the Northwest Zone Committee;
- ii. the crimes committed at Preil Village Execution Site as they took place at a time when it is unclear if he held a position on the Sector 13 or Southwest Zone Committees;
- iii. the crimes committed at Slaeng Village Forest Execution Site as they took place at a time when it is unclear if he held a position on the Sector 13 or Southwest Zone Committees;
- iv. the crime of genocide or the crime against humanity of persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny as they took place prior to his appointment to the Southwest Zone Committee;
- v. the crime of genocide or the crime against humanity of persecution against the Khmer Krom through the underlying acts of murder and extermination committed at Phum Veal Security Centre as they took place prior to his appointment to the Northwest Zone Committee.

#### 8.1.5 *Instigating*

1031. In the areas of his responsibility under his official functions and during the time he exercised them, the only reasonable conclusion is that **Yim Tith** also must inevitably have instigated the commission of the crimes committed, as specified in the indictment. This applies to worksites, and security centres/killing sites, and the implementation of forced marriage. In relation to crimes committed in Sectors 2 and 7 of the Northwest Zone, such conclusion is based on evidence relating to **Yim Tith**'s role and authority on the Northwest Zone Committee. The only reasonable inference is that he intended for those crimes to be committed.



1032. For the same reasons set out in paragraph 1030, **Yim Tith** is not, however, liable for instigating:

- i. the crimes committed at Veal Bak Chunching Execution Site;
- ii. the crimes committed at Preil Village Execution Site;
- iii. the crimes committed at Slaeng Village Forest Execution Site;
- iv. the crime of genocide or the crime against humanity of persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny;
- v. the crime of genocide or the crime against humanity of persecution against the Khmer Krom through the underlying acts of murder and extermination committed at Phum Veal Security Centre.

#### *8.1.6 Superior responsibility*

1033. **Yim Tith** exercised effective control over the civilian and military cadres subordinate to him and, although he knew they were carrying out the crimes at worksites, security centres, killing sites, and by forcing people to marry, he did not take steps to prevent or punish their actions. To the contrary, he was often an active participant in the planning and execution of these crimes. Therefore, in the areas of his responsibility under his official functions and during the time he exercised them, the only reasonable conclusion is that **Yim Tith** is responsible as a superior for the crimes committed, as specified in the indictment. In relation to crimes committed in Sectors 2 and 7 of the Northwest Zone, such conclusion is based on evidence relating to **Yim Tith**'s role and authority on the Northwest Zone Committee. This applies to worksites and security centres/killing sites, and the implementation of forced marriage.

1034. For the same reasons set out in paragraph 1030, **Yim Tith** is not, however, liable as a superior for:

- i. the crimes committed at Veal Bak Chunching Execution Site;
- ii. the crimes committed at Preil Village Execution Site;





- iii. the crimes committed at Slaeng Village Forest Execution Site;
- iv. the crime of genocide or the crime against humanity of persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny;
- v. the crime of genocide or the crime against humanity of persecution against the Khmer Krom through the underlying acts of murder and extermination committed at Phum Veal Security Centre.

#### 8.1.7 Charges to be dismissed

1035. As **Yim Tith** is not liable via any of the modes of liability for the charges of genocide and persecution against the Khmer Krom committed at Prey Sokhon Execution Site and Wat Ang Serei Muny, these charges must be dismissed.

## 8.2 Domestic Crimes

### 8.2.1 Co-perpetration

1036. **Yim Tith** is liable as a co-perpetrator for the crime of premeditated murder committed at the sites described above. **Yim Tith**, together with others, directly and intentionally participated in the perpetration of premeditated murder by identifying enemies to be purged, ordering his subordinates to kill people who complained about their living and working conditions, and coordinating the network of security centres through which prisoners were identified, arrested and killed.

### 8.2.2 Planning

1037. In his areas of responsibility, based on his official authority over a wide area, and through his participation in the JCEs, **Yim Tith** also planned the premeditated murder described above. There is no other reasonable conclusion. Given **Yim Tith**'s authority and his frequent visits to sites, the only reasonable inference is that **Yim Tith** also intended for these crimes to be committed.

### 8.2.3 Ordering

1038. In his areas of responsibility, based on his official authority over a wide area during the periods that he exercised them, **Yim Tith** also ordered the premeditated murder described above. There is no other reasonable conclusion. Given **Yim Tith**'s authority



and his frequent visits to sites, the only reasonable inference is that **Yim Tith** also intended for these crimes to be committed. In relation to crimes committed in Sectors 2 and 7 of the Northwest Zone, such conclusion is based on evidence relating to **Yim Tith**'s role and authority on the Northwest Zone Committee.

1039. **Yim Tith** is not, however, liable for ordering the crimes committed at Veal Bak Chunching Execution Site, Preil Village Execution Site, or Slaeng Village Forest Execution Site, for the same reasons set out in paragraph 1030.

### 8.3 Mens rea

1040. The evidence clearly supports the conclusion that **Yim Tith** and those he cooperated with on all levels of the CPK hierarchy had the intent to carry out the crimes listed below, including the specific discriminatory intent for genocide and persecution.

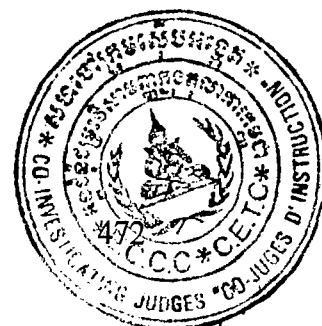
## 9 DECISION ON PRE-TRIAL DETENTION

1041. Although I have found that there are sufficient charges to commit **Yim Tith** for trial, I do not consider his detention pending trial a necessary measure to avert any of the risk factors under Internal Rule 63(3)(b). **Yim Tith** has known for years that he is under investigation and has cooperated with the CIJs throughout the judicial investigation. There is no indication that he may flee the jurisdiction, exert pressure on any witnesses or victims, or interfere with the judicial process in any other way. Neither do concerns for **Yim Tith**'s security or the preservation of public order justify a detention order.

1042. A further reason against ordering detention at this time is the procedural uncertainty resulting from the opposing Closing Orders, as a result of which it is unclear under Internal Rule 77(13) whether the indictment will stand should there be no supermajority upon appeal in the Pre-Trial Chamber.

## 10 TERMINATION ORDER UNDER RULE 66 *BIS*

1043. I **TERMINATE** the judicial investigation concerning the facts excluded in the Rule 66 *bis* Decision, set out in paragraph 8.



## 11 PARTIAL DISMISSAL ORDER

1044. The following charges are **DISMISSED**:

### *Genocide*

#### *All sites*

Genocide by causing serious bodily or mental harm and deliberately inflicting conditions intended to bring about the physical destruction of the group in whole or in part.

#### *Prey Sokhon Execution Site and Wat Ang Serei Muny*

Entire site.

#### *Kampong Kol Sugar Factory*

Entire site.

### *Crimes against humanity*

#### *Prey Sokhon Execution Site and Wat Ang Serei Muny*

The charge of persecution.

#### *Khnam Kou Security Centre*

The charge of torture and the related charge of persecution through the underlying act of torture.

#### *Kampong Kol Sugar Factory Worksite*

The charges of extermination and persecution.

#### *Changreangsei Pagoda Execution Site*

Entire site.



*Prison No. 8*

The charge of torture and the related charge of persecution through the underlying act of torture.

*Violations of the 1956 Penal Code*

*Chanreangsai Pagoda Execution Site*

Entire site.



**12 INDICTMENT****Yim Tith**

born on 30 December 1936,  
in Trapeang Kol Village,  
Trapeang Thom Commune,  
Tramkak District,  
Takeo Province

Current address:



**IS INDICTED AND COMMITTED FOR TRIAL  
FOR THE FOLLOWING CRIMES**

**COUNT 1:****GENOCIDE**

Against the Khmer Krom by killing members of the group

**Sector 13 of the Southwest Zone**

*Wat Pratheat Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 433-469)

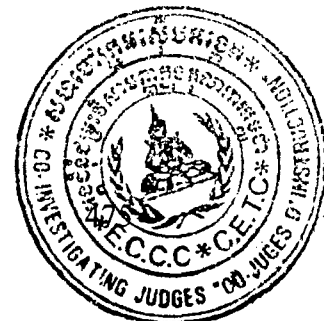
(JCE1, JCE2, planning, ordering, instigating and superior responsibility)

*Kraing Ta Chan Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 470-526)

(JCE1, planning, ordering, instigating and superior responsibility)

*Preil Village Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 527-546)

(JCE1, planning)



*Wat Angkun Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 547-554)

(JCE1, planning, ordering, instigating and superior responsibility)

*Slaeng Village Forest Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 555-565)

(JCE1, planning)

### **Sector 2 of the Northwest Zone**

*Phum Veal Security Centre* (paragraphs 151-158, 161-275, 327-397, 747-771)

(JCE1, planning)

*Svay Chrum Security Centre* (paragraphs 151-158, 161-275, 327-397, 772-796)

(JCE1, planning, ordering, instigating and superior responsibility)

*Tuol Seh Nhauv Execution Site* (paragraphs 151-158, 161-275, 327-397, 797-810)

(JCE1, planning, ordering, instigating and superior responsibility)

*Prey Krabau Execution Site* (paragraphs 151-158, 161-275, 327-397, 811-826)

(JCE1, planning, ordering, instigating and superior responsibility)

### **Sector 4 of the Northwest Zone**

*Kampong Prieng Commune (Wat Po Laingka Security Centre, Kach Roteh, Thmei and Sala Trav Villages)* (paragraphs 151-158, 161-275, 327-397, 870-910, 918-920)

(JCE1, planning, ordering, instigating and superior responsibility)

*Reang Kerei Commune* (paragraphs 151-158, 161-275, 327-397, 894, 911-920)

(JCE1, planning, ordering, instigating and superior responsibility)



**COUNT 2:**  
**CRIMES AGAINST HUMANITY**

**Sector 13 of the Southwest Zone**

*Wat Pratheat Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 433-469)

Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions), political persecution of the 17 April People and the Khmer Krom and racial persecution of the Khmer Krom (through murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions))

(JCE1, JCE2, planning, ordering, instigating and superior responsibility)

*Kraing Ta Chan Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 470-526)

Murder, extermination, imprisonment, torture, other inhumane acts (forcible transfer, confinement in inhumane conditions), political persecution of the 17 April People and the Khmer Krom, and racial persecution of the Khmer Krom (through murder, extermination, imprisonment, torture, other inhumane acts (forcible transfer, confinement in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

*Preil Village Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 527-546)

Murder, extermination, deportation, other inhumane acts (forcible transfer), political and racial persecution of the Khmer Krom (through murder, extermination, deportation, other inhumane acts (forcible transfer))

(JCE1, planning)



*Wat Angkun Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 547-554)

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

(JCE1, planning, ordering, instigating and superior responsibility)

*Slaeng Village Forest Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 555-565)

Murder, deportation, other inhumane acts (forcible transfer), political and racial persecution of the Khmer Krom (through murder, deportation, other inhumane acts (forcible transfer))

(JCE1, planning)

*Prey Sokhon Execution Site and Wat Ang Serei Muny* (paragraphs 151-160, 169-275, 327-352, 386-397, 566-585)

Murder, extermination, imprisonment

(planning, ordering, instigating and superior responsibility)

### **Sector 1 of the Northwest Zone**

*Koas Krala Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 586-595)

Murder, extermination, imprisonment, political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment)

(JCE1, planning, ordering, instigating and superior responsibility)





*Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 596-651)

Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

*Kang Hort Dam Worksite* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 652-700)

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment)

(JCE1, planning, ordering, instigating and superior responsibility)

*Banan Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 701-719)

Murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions))

(JCE 1)



*Khnanng Kou Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 720-737)

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

*Kampong Kol Sugar Factory Worksite* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 738-746)

Murder

(JCE1, planning, ordering, instigating and superior responsibility)

*Samlaut District* (paragraphs 980-991)

Other inhumane acts (forced marriage)

(direct commission)

## **Sector 2 of the Northwest Zone**

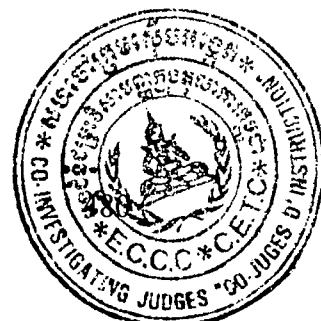
*Phum Veal Security Centre* (paragraphs 151-158, 161-322, 327-427, 747-771)

Murder, extermination, imprisonment, torture, other inhumane acts (confinement in inhumane conditions), political and racial persecution of the Khmer Krom (through imprisonment, other inhumane acts (confinement in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

Political and racial persecution of the Khmer Krom (through murder, extermination)

(JCE1, planning)



*Svay Chrum Security Centre* (paragraphs 151-158, 161-322, 327-427, 772-796)

Murder, imprisonment, other inhumane acts (confinement in inhumane conditions), political and racial persecution of the Khmer Krom (through murder, imprisonment, other inhumane acts (confinement in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

*Tuol Seh Nhauv Execution Site* (paragraphs 151-158, 161-322, 327-427, 797-810)

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

(JCE1, planning, ordering, instigating and superior responsibility)

*Prey Krabau Execution Site* (paragraphs 151-158, 161-322, 327-427, 811-826)

Murder, extermination, political and racial persecution of the Khmer Krom (through murder and extermination)

(JCE1, planning, ordering, instigating and superior responsibility)

### **Sector 3 of the Northwest Zone**

*Wat Kirirum Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 829-849)

Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)



**Sector 4 of the Northwest Zone**

*Wat Samdech Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 850-869)

Murder, extermination, political persecution of the Northwest Zone cadres, their families and subordinates (through murder and extermination)

(JCE1, planning, ordering, instigating and superior responsibility)

*Kampong Prieng Commune (Wat Po Laingka Security Centre, Kach Roteh, Thmei and Sala Trav Villages)* (paragraphs 151-158, 161-322, 327-427, 870-910, 918-920, 949, 967-979)

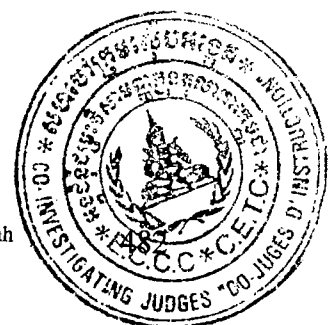
Murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement in inhumane conditions, forced marriage), political persecution of the Northwest Zone cadres, their families and subordinates (through murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement and working in inhumane conditions)) and political and racial persecution of the Khmer Krom (through murder and extermination))

(JCE1, planning, ordering, instigating and superior responsibility)

*Reang Kesei Commune* (paragraphs 151-158, 161-322, 327-427, 894, 911-920, 949-966)

Murder, extermination, other inhumane acts (forced marriage), political and racial persecution of the Khmer Krom (through murder and extermination)

(JCE1, planning, ordering, instigating and superior responsibility)



**Sector 7 of the Northwest Zone**

*Prison No. 8* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 921-939)

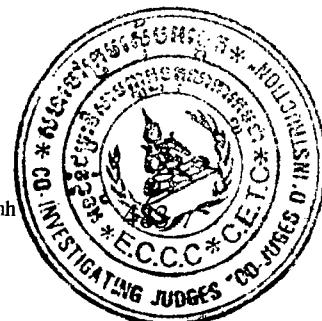
Murder, extermination, enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions), political persecution of the East Zone Evacuees (through enslavement, imprisonment, other inhumane acts (confinement and working in inhumane conditions))

(JCE1, planning, ordering, instigating and superior responsibility)

*Veal Bak Chunching Execution Site* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 940-948)

Murder, extermination, political persecution of the East Zone Evacuees (through murder and extermination)

(JCE1, planning)



**COUNT 3:  
WAR CRIMES**

**Sector 13 of the Southwest Zone**

*Kraing Ta Chan Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 428-432, 470-526)

Grave Breaches of the Geneva Conventions 1949: wilful killing and unlawful transfer of civilians

(JCE1, planning, ordering, instigating and superior responsibility)

*Preil Village Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 428-432, 527-546)

Grave Breaches of the Geneva Conventions 1949: wilful killing, unlawful deportation or transfer of civilians

(JCE1, planning)

*Wat Angkun Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 428-432, 547-554)

Grave Breaches of the Geneva Conventions 1949: wilful killing

(JCE1, planning, ordering, instigating and superior responsibility)

*Slaeng Village Forest Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 428-432, 555-565)

Grave Breaches of the Geneva Conventions 1949: wilful killing, unlawful deportation or transfer of civilians

(JCE1, planning)



**COUNT 4:**  
**VIOLATIONS OF THE 1956 PENAL CODE**

Premeditated murder under Articles 501 and 506 of the 1956 Penal Code

**Sector 13 of the Southwest Zone**

*Wat Pratheat Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 433-469)

*Kraing Ta Chan Security Centre* (paragraphs 151-160, 169-275, 327-352, 386-397, 470-526)

*Wat Angkun Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 547-554)

*Prey Sokhon Execution Site and Wat Ang Serei Muny* (paragraphs 151-160, 169-275, 327-352, 386-397, 566-585)

(all: planning, ordering, co-perpetration)

*Preil Village Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 527-546)

*Slaeng Village Forest Execution Site* (paragraphs 151-160, 169-275, 327-352, 386-397, 555-565)

(both: planning, co-perpetration)

**Sector 1 of the Northwest Zone**

*Koas Krala Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 586-595)

*Thipakdei Cooperative (including Wat Thipakdei Security Centre and Tuol Mtes Security Centre and Worksite)* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 596-651)



*Kang Hort Dam Worksite* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 652-700)

*Khnamg Kou Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 720-737)

*Kampong Kol Sugar Factory Worksite* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 738-746)

(all: planning, ordering, co-perpetration)

*Banan Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 701-719)

(co-perpetration)

#### **Sector 2 of the Northwest Zone**

*Phum Veal Security Centre* (paragraphs 151-158, 161-322, 327-427, 747-771)

*Svay Chrum Security Centre* (paragraphs 151-158, 161-322, 327-427, 772-796)

*Tuol Seh Nhauv Execution Site* (paragraphs 151-158, 161-322, 327-427, 797-810)

*Prey Krabau Execution Site* (paragraphs 151-158, 161-322, 327-427, 811-826)

(all: planning, ordering, co-perpetration)

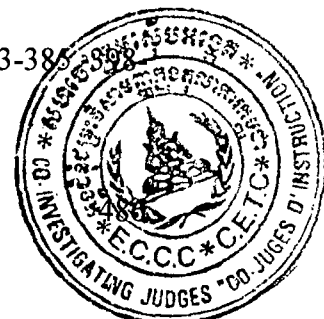
#### **Sector 3 of the Northwest Zone**

*Wat Kirirum Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 829-849)

(planning, ordering, co-perpetration)

#### **Sector 4 of the Northwest Zone**

*Wat Samdech Security Centre* (paragraphs 151-158, 161-185, 276-322, 353-385, 427, 850-869)





*Kampong Prieng Commune – Wat Po Laingka/Kach Roteh Security Centre, Kach Roteh, Thmei and Sala Trav Villages* (paragraphs 151-158, 161-322, 327-427, 870-910, 918-920)

*Reang Kesei Commune* (paragraphs 151-158, 161-322, 327-427, 894, 911-920)

(all: planning, ordering, co-perpetration)

### **Sector 7 of the Northwest Zone**

*Prison No. 8* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 921-939)

(planning, ordering, co-perpetration)

*Veal Bak Chunching* (paragraphs 151-158, 161-185, 276-322, 353-385, 398-427, 940-948)


(planning, co-perpetration)

## **13 TERMINATION OF THE REMAINDER OF THE INVESTIGATION REGARDING CASE 004**

The remainder of the investigation in Case 004 is dealt with in the joint separate termination order issued by both CIJs today.

This Closing Order is filed in English, with a Khmer translation to follow.

Dated 28 June 2019, Phnom Penh



**Judge Michael Bohlander**  
**សហចៅក្រមស៊ើបអង្កេតអន្តរជាតិ**  
**International Co-Investigating Judge**  
**Co-juge d'instruction international**