

**Declassified to Public
28 June 2019**

004/07-09-2009-ECCC-OCIJ ្រូខ / No: D350.1



អង្គជំនុំជម្រះវិសេសវិសេសនៃតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

ANNEX

Notification of Amended Charges against YIM Tith

1. The Third Introductory Submission dated 20 November 2008 (“3IS”), the Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom dated 18 July 2011 (“1SS”), the Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence dated 24 April 2014 (“2SS”), the Response to a Forwarding Order and Supplementary Submission regarding Wat Ta Meak dated 4 August 2015 (“3SS”), and the Response to Forwarding Order dated 5 November 2015 and Supplementary Submission regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4 dated 20 November 2015 (“4SS”) (collectively “the Submissions”), allege that **YIM Tith** is responsible for crimes within the jurisdiction of the ECCC.
2. The alleged criminal acts set out in the Submissions have been given the following legal characterisation by the Office of the Co-Prosecutors:
 - **Violation of Articles 209, 210, 500, 501, 503, 504, 505, 506, 507, and 508 of the 1956 Penal Code** (Homicide, Torture, and Religious Persecution);
 - **Violation of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948** (Genocide of the Khmer Krom and Vietnamese);
 - **Crimes Against Humanity** (Murder, Extermination, Enslavement, Imprisonment, Torture, Rape, Persecution on political, racial and religious grounds, and Other Inhumane Acts); and
 - **Grave Breaches of the Geneva Conventions of 1949** (Wilful Killing, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Unlawful Deprivation or Transfer, and Unlawful Confinement of a Civilian).



3. These offences are defined and punishable under Articles 3 (new), 4, 5, 6, 29 and 39 of the ECCC Law.
4. On 9 December 2015,¹ I notified **YIM Tith** of the charges against him and advised him that there is clear and consistent evidence indicating that he may be criminally responsible for the commission of crimes from 17 April 1975 to 6 January 1979 at the following sites referred to in the Submissions:

Sector 13, Southwest Zone

1. Wat Pratheat security centre (3IS, paras 80-81; and 1SS, paras 12-13)
2. Kraing Ta Chan security centre (1SS, para. 14)
3. Preil Village execution site (1SS, paras 12 & 14)
4. Wat Angkun execution site (1SS, para. 12)
5. Slaeng Village forest execution site (1SS, paras 12 & 14)
6. Prey Sokhon execution site and Wat Ang Srei Muny (1SS, para. 15)

Sector 1, Northwest Zone

7. Koas Krala security centre (1SS, para. 5; International Co-Prosecutor's ("ICP") Response to Forwarding Order, para. 2(c))
8. Anlong Vil Breng and related execution site (1SS, para. 7)
9. Thipakdei cooperative (including at Wat Thipakdei security centre and Tuol Mtes security centre and worksite) (1SS, paras 5-6; 2SS, para. 8)
10. Kang Hort Dam worksite (1SS, para. 6; 2SS para. 12)
11. Banan security centre (1SS, para. 9)
12. Khnang Kou security centre (1SS, para. 9; ICP Response to Forwarding Order, para. 2(d))
13. Kampong Kol sugar factory worksite (2SS, para. 8)
14. Phnom Tra Cheak Chet worksite (1SS, para. 7)
15. Banteay O Ta Krey execution site (3IS, para. 61)
16. Samlaut District (4SS, paras 10-12)

Sector 2, Northwest Zone

17. Phum Veal security centre (1SS, para. 16)
18. Svay Chrum security centre (1SS, para. 16)
19. Tuol Seh Nhausv execution site (1SS, para. 17)
20. Prey Krabau execution site (1SS, para. 17)
21. Chanreangsei pagoda execution site (1SS, paras 19-20).

¹ Case File No. 004-D281, *Written Record of Initial Appearance of YIM Tith*, 9 December 2015.



Sector 3, Northwest Zone

- 22. Wat Kirirum security centre (3IS, para. 60)
- 23. Wat Kandal security centre (3IS, paras 65-66)
- 24. Wat Banteay Neang security centre (3IS, para. 69)

Sector 4, Northwest Zone

- 25. Wat Thoamayutt security centre (3IS, paras 63-64)
- 26. Wat Samdech security centre (3IS, para. 67)
- 27. Kampong Prieng commune including Kach Roteh, Thmei and Sala Trav villages and Wat Po Laingka/Kach Roteh security centre (3IS, para. 68; 2SS, para. 8; 4SS, para. 6(c) and (d))
- 28. Reang Kesei commune (including Reang Kesei pagoda and Reang Kesei village) (2SS, paras 4 & 8; 4SS, para. 6(a))

Sector 5, Northwest Zone

- 29. Phnom Trayoung security centre and worksite (3IS, paras 74-75)
- 30. Spean Sreng and Prey Roneam dam worksites (3IS, para. 79)
- 31. Wat Preah Net Preah and related detention and execution sites (3IS para. 77; ICP Response to Forwarding Order para. 2(b))
- 32. Phum Chakrey security centre and execution site (3IS, para. 76)
- 33. Prey Taruth execution site (3IS, para. 76; ICP Response to Forwarding Order, para. 2(a))
- 34. Wat Chamkar Khnol execution site (3IS, para. 71)
- 35. Trapeang Thma Dam worksite (3IS, para. 78)

Sector 7, Northwest Zone

- 36. Prison No. 8 (3IS, para. 72)
- 37. Veal Bak Chunching execution site (1SS, para. 19)

5. I, hereby, add additional modes of liability in relation to the crimes charged on 9 December 2015. The charges against **YIM Tith** are now the following:

6. **YIM Tith** is charged with the following crimes in his capacity as the member and later Secretary of Kirivong District and Sector 13 committee member in the Southwest Zone; and as Secretary of Sector 1, Secretary of Sector 3, Secretary of Sector 4 and Deputy Secretary of the Northwest Zone of Democratic Kampuchea.



Genocide

7. There is clear and consistent evidence indicating that **YIM Tith** may be responsible for the crime of Genocide, perpetrated against the Khmer Krom, at the following sites through the modes of liability listed below:

Sector 13, Southwest Zone**Crime Site 1: Wat Pratheat security centre**

Genocide by killing members of the group

Modes of Liability: planning, ordering, instigating, superior responsibility, commission (*via* joint criminal enterprise first category “JCE 1”), and commission (*via* joint criminal enterprise second category “JCE 2”).

Crime Site 2: Kraing Ta Chan security centre

Genocide by killing members of the group

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1).

Crime Site 3: Preil Village execution site

Genocide by killing members of the group, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1).

Crime Site 4: Wat Angkun execution site

Genocide by killing members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1).

Crime Site 5: Slaeng Village forest execution site

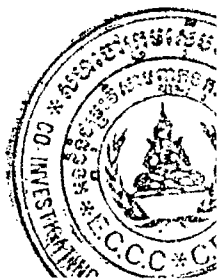
Genocide by killing members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1).

Crime Site 6: Prey Sokhon execution site and Wat Ang Serei Muny

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1).



Sector 1, Northwest ZoneCrime Site 13: Kampong Kol sugar factory

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Sector 2, Northwest ZoneCrime Site 17: Phum Veal security centre

Genocide by killing members of the group, and causing serious bodily or mental harm to members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 18: Svay Chrum security centre

Genocide by killing members of the group and causing serious bodily or mental harm to members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 19: Tuol Seh Nhauv execution site

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 20: Prey Krabau execution site

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Sector 4, Northwest ZoneCrime Site 27: Kampong Prieng commune including at Kach Roteh, Thmei, and Sala Trav villages and Wat Po Laingka/Kach Roteh security centre

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 28: Reang Ksei commune

Genocide by killing members of the group.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).



Crimes against Humanity

8. There is clear and consistent evidence indicating that **YIM Tith** may be criminally responsible for crimes against humanity committed as part of a widespread or systematic attack directed against a civilian population on national, political, ethnical, racial or religious grounds.
9. **YIM Tith** may be responsible for the following crimes against humanity at the following sites through the modes of liability listed below:

Sector 13, Southwest Zone

Crime Site 1: Wat Pratheat security centre

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against “17 April people” and on political and racial grounds against the Khmer Krom through the underlying offences of murder, extermination, enslavement, imprisonment, torture, and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility, commission (via JCE 1), and commission (via JCE 2).

Crime Site 2: Kraing Ta Chan security centre

Crimes: murder; extermination; imprisonment; torture; persecution on political grounds against “17 April people” and on political and racial grounds against the Khmer Krom through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (forcible transfer and confinement in inhumane conditions); other inhumane acts (forcible transfer and confinement in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

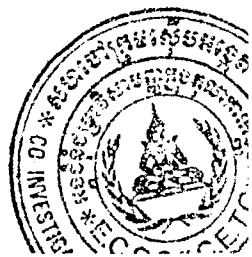
Crime Site 3: Preil Village execution site

Crimes: murder; extermination; deportation, persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, extermination, deportation and other inhumane acts (forcible transfer); and other inhumane acts (forcible transfer).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 4: Wat Angkun execution site

Crimes: murder; extermination; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder and extermination.



004/07-09-2009-ECCC-OCIJ ២២២ / No: D350.1

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 5: Slaeng Village forest execution site

Crimes: murder; deportation; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, deportation and other inhumane acts (forcible transfer); and other inhumane acts (forcible transfer).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 6: Prey Sokhon execution site and Wat Ang Serei Muny

Crimes: murder; extermination; imprisonment; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, extermination, and imprisonment.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Sector 1, Northwest Zone

Crime Site 7: Koas Krala security centre

Crimes: murder; extermination; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination and imprisonment.

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 8: Anlong Vil Breng and related execution site

Crimes: murder; extermination; enslavement.

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 9: Thipakdei cooperative (including at Wat Thipakdei security centre and Tuol Mtes security centre and worksite):

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 10: Kang Hort Dam worksite

Crimes: murder; extermination; enslavement; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates



through the underlying offences of murder, extermination and imprisonment; other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 11: Banan security centre

Crimes: murder; extermination; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (confinement in inhumane conditions); other inhumane acts (confinement in inhumane conditions).

Modes of Liability: commission (via JCE I).

Crime Site 12: Khnang Kou security centre

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment, torture and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 13: Kampong Kol sugar factory

Crimes: murder; extermination; persecution on political and racial grounds against the Vietnamese and the Khmer Krom through the underlying offences of murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I).

Crime Site 14: Phnom Tra Cheak Chet worksite

Crimes: enslavement.

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 15: Banteay O Ta Krey execution site

Crimes: murder; extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 16: Samlaut District

Crimes: Other inhumane acts (forced marriage).

Modes of Liability: direct commission.



Sector 2, Northwest ZoneCrime Site 17: Phum Veal security centre

Crimes: murder; extermination; imprisonment; torture; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, extermination and imprisonment and other inhumane acts (confinement in inhumane conditions); other inhumane acts (confinement in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I).

Crime Site 18: Svay Chrum security centre

Crimes: murder; imprisonment; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, imprisonment and other inhumane acts (confinement in inhumane conditions); other inhumane acts (confinement in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I).

Crime Site 19: Tuol Seh Nhaus execution site

Crimes: murder; extermination; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I).

Crime Site 20: Prey Krabau execution site

Crimes: murder; extermination; persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I).

Crime Site 21: Chanreangsei pagoda execution site

Crimes: murder; extermination; persecution on political grounds against the “East Zone Evacuees” through murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE I)

Sector 3, Northwest ZoneCrime Site 22: Wat Kirirum security centre

Crimes: murder; extermination; enslavement; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates through murder, enslavement, imprisonment and other inhumane acts



004/07-09-2009-ECCC-OCIJ ២២២ / No: D350.1

(confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 23: Wat Kandal security centre

Crimes: murder; extermination; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of imprisonment, torture and other inhumane acts (confinement in inhumane conditions); other inhumane acts (confinement in inhumane conditions).

Modes of Liability: commission (via JCE 1).

Crime Site 24: Wat Banteay Neang security centre

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment, torture, other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: commission (via JCE 1).

Sector 4, Northwest Zone

Crime Site 25: Wat Thoamayutt security centre

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds of “East Zone Evacuees” through the underlying offences of murder, extermination, enslavement, imprisonment, torture and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

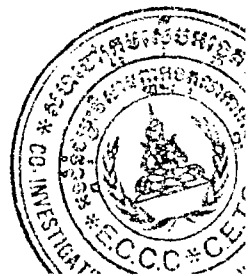
Crime Site 26: Wat Samdech security centre

Crimes: murder; extermination; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 27: Kampong Prieng commune including Kach Roteh, Thmei and Sala Trav villages and Wat Po Laingka/Kach Roteh security centre

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment, torture and other inhumane acts



(confinement/working in inhumane conditions); persecution on political and racial grounds against the Khmer Krom through the underlying offences of murder, and extermination; and other inhumane acts (confinement in inhumane conditions and forced marriage).

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (via JCE 1).

Crime Site 28: Reang Kesei commune

Crimes: murder; extermination; persecution on political and racial grounds against Khmer Krom through the underlying offences of murder and extermination; other inhumane acts (forced marriage).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Sector 5, Northwest Zone

Crime Site 29: Phnom Trayoung security centre and worksite

Crimes: murder; extermination; enslavement; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of enslavement, imprisonment, and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: commission (via JCE 1).

Crime Site 30: Spean Sreng and Prey Roneam dam worksites

Crimes: murder; extermination; enslavement; imprisonment; other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: commission (via JCE 1).

Crime Site 31: Wat Preah Net Preah and related detention and execution sites

Crimes: murder; extermination; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination and imprisonment.

Modes of Liability: commission (via JCE 1).

Crime Site 32: Phum Chakrey security centre and execution site

Crimes: murder; extermination; imprisonment.

Modes of Liability: commission (via JCE 1).

Crime Site 33: Prey Taruth execution site

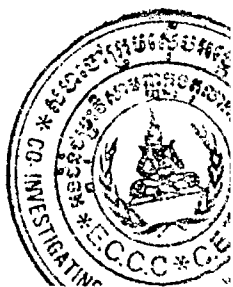
Crimes: murder; extermination.

Modes of Liability: commission (via JCE 1).

Crime Site 34: Wat Chamkar Khnol execution site

Crimes: murder; extermination; imprisonment; torture.

Modes of Liability: commission (via JCE 1).



004/07-09-2009-ECCC-OCIJ ២២២ / No: D350.1

Crime Site 35: Trapeang Thma Dam worksite

Crimes: murder; extermination; enslavement; imprisonment; persecution on political grounds against Northwest Zone cadres, their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: commission (via JCE 1).

Sector 7, Northwest ZoneCrime Site 36: Prison No. 8

Crimes: murder; extermination; enslavement; imprisonment; torture; persecution on political grounds against the “East Zone Evacuees” through the underlying offences of enslavement, imprisonment, torture and other inhumane acts (confinement/working in inhumane conditions); other inhumane acts (confinement/working in inhumane conditions).

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Crime Site 37: Veal Bak Chunching execution site

Crimes: murder; extermination; persecution on political grounds against the “East Zone Evacuees” through the underlying offences of murder and extermination.

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1).

Grave Breaches of the Geneva Conventions of 1949

10. There is clear and consistent evidence that **YIM Tith** may be responsible for the following Grave Breaches through the following modes of liability, committed as part of an international armed conflict between the Democratic Kampuchea and the Socialist Republic of Vietnam:

Sector 13, Southwest ZoneCrime Site 2: Kraing Ta Chan security centre

Crimes: wilful killing; unlawful transfer of civilians

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1)

Crime Site 3: Preil Village execution site

Crimes: wilful killing; unlawful deportation or transfer of civilians

Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (via JCE 1)

Crime Site 4: Wat Angkun execution site

Crimes: wilful killing



Modes of Liability: planning, ordering, instigating, superior responsibility, and commission (*via* JCE 1)

Crime Site 5: Slaeng village execution site

Crimes: wilful killing; unlawful deportation or transfer of civilians

Modes of Liability: planning, ordering, instigating, superior responsibility and commission (*via* JCE 1)

Violation of Articles 501 and 506 of the 1956 Penal Code

11. There is clear and consistent evidence that **YIM Tith** may be criminally responsible for violations of Articles 501 and 506 of the 1956 Penal Code. Violations of Articles 501 and 506 (Premeditated Murder) of the 1956 Penal Code are defined and punishable under Articles 3 (new) and 39 of the ECCC Law.
12. **YIM Tith** is charged with the crime of Premeditated Murder, committed at the following sites through the following modes of liability:

Sector 13, Southwest Zone

Crime Site 1: Wat Pratheat security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 2: Kraing Ta Chan security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 3: Preil Village execution site *via* planning, ordering, and commission (co-perpetration)

Crime Site 4: Wat Angkun *via* planning, ordering, and commission (co-perpetration)

Crime Site 5: Slaeng Village forest execution site *via* planning, ordering, and commission (co-perpetration)

Crime Site 6: Prey Sokhon execution site and Wat Ang Serei Muny *via* planning, ordering, and commission (co-perpetration)

Sector 1, Northwest Zone

Crime Site 7: Koas Krala security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 8: Anlong Vil Breng and related execution site *via* planning, ordering, and commission (co-perpetration)

Crime Site 9: Thipakdei Cooperative (including at Wat Thipakdei security centre and Tuol Mtes security centre and worksite) *via* planning, ordering, and commission (co-perpetration)

Crime Site 10: Kang Hort Dam worksite *via* planning, ordering, and commission (co-perpetration)

Crime Site 11: Banan security centre *via* commission (co-perpetration)



Crime Site 12: Khnang Kou security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 13: Kampong Kol sugar factory *via* planning, ordering, and commission (co-perpetration)

Crime Site 15: Banteay O Ta Krey execution site *via* planning, ordering, and commission (co-perpetration)

Sector 2, Northwest Zone

Crime Site 17: Phum Veal security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 18: Svay Chrum security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 19: Tuol Seh Nhauv *via* planning, ordering, and commission (co-perpetration)

Crime Site 20: Prey Krabau execution sites *via* planning, ordering, and commission (co-perpetration)

Crime Site 21: Chanreangsei pagoda execution site *via* planning, ordering, and commission (co-perpetration)

Sector 3, Northwest Zone

Crime Site 22: Wat Kirirum security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 23: Wat Kandal security centre *via* commission (co-perpetration)

Crime Site 24: Wat Banteay Neang security centre *via* commission (co-perpetration)

Sector 4, Northwest Zone

Crime Site 25: Wat Thoamayutt security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 26: Wat Samdech security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 27: Kampong Prieng commune including at Kach Roteh, Thmei, and Sala Trav villages and Wat Po Laingka/Kach Roteh security centre *via* planning, ordering, and commission (co-perpetration)

Crime Site 28: Reang Kesei commune *via* planning, ordering and commission (co-perpetration)

Sector 5, Northwest Zone

Crime Site 29: Phnom Trayoung security centre and worksite *via* commission (co-perpetration)

Crime Site 30: Spean Sreng and Prey Roneam dam worksites *via* commission (co-perpetration)



Crime Site 31: Wat Preah Net Preah and related detention and execution sites *via* commission (co-perpetration)

Crime Site 32: Phnum Chakrey detention centre and execution site *via* commission (co-perpetration)

Crime Site 33: Prey Taruth execution site *via* commission (co-perpetration)

Crime Site 34: Wat Chamkar Khnol execution site *via* commission (co-perpetration)

Crime Site 35: Trapeang Thma Dam worksite *via* commission (co-perpetration)

Sector 7, Northwest Zone

Crime Site 36: Prison No. 8 *via* planning, ordering, and commission (co-perpetration)

Crime Site 37: Veal Bak Chunching execution site *via* planning, ordering, and commission (co-perpetration)

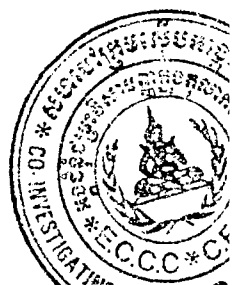
Joint Criminal Enterprise

13. **YIM Tith** may be responsible for the crimes against humanity listed above and occurring within Sectors 1, 2, 3, 4, 5 and 7 in the Northwest Zone of Democratic Kampuchea, through, *inter alia*, his participation in a joint criminal enterprise. There is clear and consistent evidence that as of early or mid-1977 until at least 6 January 1979, Ta Mok engineered, coordinated and carried out, in concert with **YIM Tith**, IM Chaem, Ta Chay and other trusted Southwest Zone cadres installed at the zone, sector and district level in the Northwest Zone, an operation for the successful implementation of the following policies of the Communist Party of Kampuchea (“CPK”) in the Northwest Zone:

- The establishment and operation of cooperatives and worksites, which was implemented through the enslavement of the population;
- The regulation of marriage, which was implemented through, *inter alia*, the forced marriage of the inhabitants of the Northwest Zone;
- The reeducation, through imprisonment, forced labour, and subjection to inhumane conditions 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, namely Northwest Zone CPK cadres and former officials of the Khmer Republic, including both civil servants and former military personnel and their families.

14. The participants in this joint criminal enterprise intended to and implemented these policies through the commission of crimes under the ECCC jurisdiction, namely the crimes against humanity of imprisonment, murder, extermination, enslavement, other inhumane acts, and persecution.

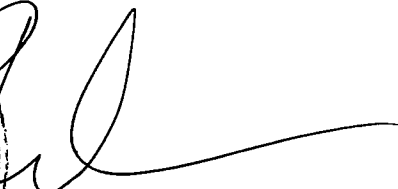
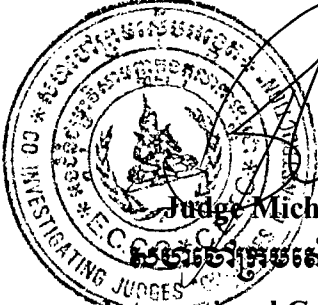
15. In relation to the Khmer Krom, **YIM Tith** may be responsible for crimes committed in the Southwest Zone at Wat Pratheat security centre, Kraing Ta Chan security centre, Preil Village execution site, Wat Angkun execution site, Slaeng



Village forest execution site, Prey Sokhon execution site and Wat Ang Serei Muny; and in the Northwest Zone at Kampong Kol sugar factory, Phum Veal security centre, Svay Chrum security centre, Tuol Seh Nhauv execution site, Prey Krabau execution site, Kampong Prieng commune (including Kach Roteh, Thmei and Sala Trav villages), and Reang Kesei commune, through his participation in a joint criminal enterprise. This joint criminal enterprise existed from at least 1976 to January 1979, and included Ta Mok, **YIM Tith**, KHIEU Tom, Yeay Bau, PECH Chim, SEK Sam At *alias* Yeay Rim and other Southwest Zone cadres, who shared the common objective to implement, in specific areas of Democratic Kampuchea, a nation-wide plan for the elimination, in whole or in part, of the Khmer Krom.

- 16. The participants in this joint criminal enterprise intended to and implemented the plan through the commission of crimes under the jurisdiction of the ECCC, namely genocide by killing members of the group, causing serious bodily or mental harm to members of the group, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; the crimes against humanity of murder, extermination, enslavement, deportation, imprisonment, torture, persecution, and other inhumane acts; and grave breaches of the Geneva Conventions.
- 17. Lastly, **YIM Tith** may be responsible for crimes committed at Wat Pratheat security centre through his participation in a joint criminal enterprise. This joint criminal enterprise existed from at least 17 April 1975 until 6 January 1979, and included **YIM Tith**, KHIEU Tom, Yeay Bau, Ta Pring and security centre personnel, who shared the common objective of furthering a system of ill-treatment.
- 18. The participants in this joint criminal enterprise intended to and implemented the plan through the commission of crimes under the jurisdiction of the ECCC, namely the crimes against humanity of imprisonment, enslavement, torture, murder, extermination, other inhumane acts, persecution, and genocide by killing and causing serious bodily or mental harm to the group.

Dated 29 March 2017, Phnom Penh

Judge Michael Bohlander
សមាជិកអង្គជំនុំជម្រះអន្តរជាតិ
International Co-Investigating Judge
Co-juge d'instruction international