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**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
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**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

**ការិយាល័យសហចៅក្រមស៊ើបអង្កេត**

**Office of the Co-Investigating Judges**  
**Bureau des co-juges d'instruction**

**Case File No.: 004/07-09-2009/ECCC/OCIJ**

Before: **The National Co-Investigating Judge**  
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**ORDER DISMISSING THE CASE AGAINST YIM TITH**

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## TABLE OF CONTENTS

CHAPTER I. Introduction .....	8
1. The Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC).....	8
2. Note on the Closing Order .....	8
CHAPTER II. The History of Procedures .....	10
1. Reminder of the Procedures .....	10
2. The Uncertainty of the Procedures in the Preliminary Investigation.....	13
3. The Uncertainty of the Work Committed by the Reserve International Co-Investigating Judge .....	14
4. The Procedures of Placing Someone under Judicial Investigation .....	15
CHAPTER III. The Notes of Facts .....	17
1. The General Policies of the Democratic Kampuchea Regime.....	17
1.1. The General Situation of the Democratic Kampuchea Regime.....	17
1.2. The Leadership Style .....	18
1.3. Agriculture and Economy .....	19
1.4. Religions and Individual Freedom.....	20
1.5. Evacuation.....	23
1.6. The Policy of Forced Marriages.....	24
1.7. Killings.....	25
1.8. Welfare.....	27
1.9. Weird Policies .....	28
2. Administrative Structure of the Party Centre.....	29
2.1. CPK Central Committee .....	29
2.2. CPK Standing Committee .....	29
2.3. Other Organs .....	30
2.4. Command Structure .....	32
3. The Purge Policies in the Northwest Zone.....	32
4. Administrative Structure at Base and Zone Levels.....	40
4.1. The Northwest Zone.....	40
4.1.1. Power Structure at Sector 1 during the DK Period .....	41
4.2. The Southwest Zone.....	41
4.2.1. Secretary of Southwest Zone .....	42

4.2.2. Power Structure of Sector 13 during DK Period.....	43
4.2.3. Power Structure in Kiri Vong District (Sector 13) .....	45
4.2.4. Secretary of Kiri Vong District (District 109) .....	45
CHAPTER IV. Role and Authority of the Charged Person.....	45
1. Personal Details of the Charged Person .....	45
2. Involvement with Crime Sites.....	46
2.1. Factual Findings for the Charge.....	46
2.1.1. Wat Pratheat Security Office .....	46
2.1.2. Kraing Ta Chan Security Office .....	48
2.1.3. Preil Village Execution Site .....	52
2.1.4. Wat Angkun Execution Site.....	53
2.1.5. Slaeng Village Forest Execution Site.....	54
2.1.6. Prey Sokhon and Wat Angk Serei Muni Execution Site .....	55
2.1.7. Wat Koas Krala Security Office .....	58
2.1.8. Thipakdei Cooperative (including Wat Thipakdei Security Office).....	61
2.1.9. Kang Hort Dam Worksite .....	63
2.1.10. Banan Security Office .....	67
2.1.11. Khnang Kou Security Office.....	69
2.1.12. Kampong Kol Sugar Factory Worksite.....	72
2.1.13. Forced Marriages in Samlout District.....	75
2.1.14. Phum Veal Security Office .....	76
2.1.15. Svay Chrum Security Office .....	77
2.1.16. Tuol Seh Nhauv Execution Site .....	79
2.1.17. Prey Krabau Execution Site .....	81
2.1.18. Chanreangsei Pagoda Execution Site.....	82
2.1.19. Wat Kirirum Security Office.....	83
2.1.20. Wat Samdach (វត្តសម្តេច) Security Office .....	85
2.1.21. Kampong Preang (កំពង់ច្រៀង) Commune (including Kach Roteh (កាច់ រទេះ) Village, Sala Trav (សាលាត្រាវ) Village, and Wat Pou Langka (ពោធិ៍សង្កា) Security Office).....	87
2.1.22. Reang Kesei (រាំងកេសី) Commune (including Wat Kesei Pagoda and Reang Kesei Village) .....	89
2.1.23. Security Office, Prison No. 8 .....	91

2.1.24. Veal Bak Chunchhing (វាលបាក់ជញ្ជឹង) Killing Site..... 93

2.2. Factual Findings for Dismissal of Charges ..... 94

2.2.1. Wat So Ben (វត្តសុបិន) Security Office ..... 94

2.2.2. Saom (សោម) Village Execution Site ..... 95

2.2.3. Anlong Voar Breng (អន្លង់វាលប្រេង) Worksite and Chhnal Moan (ឆ្នាលម៉ាន) Execution Site ..... 96

2.2.4. Banteay Treng (បន្ទាយត្រែង) Security Office..... 97

2.2.5. Phnom Tra Cheak Chet (ភ្នំត្រជាក់ចិត្ត) Dam Worksite..... 98

2.2.6. Banteay O Takrey (បន្ទាយអូរតាក្រែក) Execution Site..... 100

2.2.7. Tuol Mtes (ទួលម្តេស) Worksite and Security Office ..... 101

2.2.8. Tuol Andaet (ទួលអណ្តែត)..... 105

2.2.9. Kraloeng Dom (ក្រឡឹងដុំ)..... 106

2.2.10. Trach Kraol (ត្រាចក្រោល) Prison or Boeng Bat Kandal (បឹងបាតកណ្តាល) Prison ..... 107

2.2.11. Sexual Violence against the Khmer Krom and East Zone People in Bakan (ប៉ាកាន) District..... 109

2.2.12. Damnak Reang (ដំណាក់រាំង) Execution Site ..... 109

2.2.13. Wat Kandal (វត្តកណ្តាល) Security Office ..... 110

2.2.14. Wat Banteay Neang (វត្តបន្ទាយនាង) Security Office..... 111

2.2.15. Wat Thoamayutt (ធម្មយុត្តិ) Security Office..... 113

2.2.16. Phnom Trayoung (ភ្នំទ្រយោង) Worksite and Security Office ..... 114

2.2.17. Spean Sreng (ស្ពានស្រែង) and Prey Roneam (ព្រៃរនាម) Worksite ..... 116

2.2.18. Rape in Preah Netr Preah District ..... 116

2.2.19. Wat Preah Netr Preah and Related Detention and Execution Sites (Chamkar Daung, Chamkar Yeay Ning, Chamkar Ta Ling) ..... 117

2.2.20. Phum Chakrey (ភូមិចក្រី) Execution Site.....	118
2.2.21. Prey Taroth (ព្រៃតារ៉ុត) Execution Site .....	118
2.2.22. La-Ang Kuoy Yum (ល្អាងក្លូយ៉ុម) Execution Site.....	119
2.2.23. Wat Chamkar Khnol (វត្តចំការខ្នុរ) Execution Site .....	119
2.2.24. Trapeang Thma (ត្រពាំងថ្ម) Dam Worksite .....	120
2.2.25. Tuol Pochrey (ទួលពោធិ៍ជ្រៃ) Execution Site .....	122
2.2.26. Forced Marriages in Sangkae (សង្កែ) District .....	124
2.3. Number of Victims.....	125
CHAPTER V. Evidentiary Considerations .....	126
1. Statements other than Written Records of Interview (WRIs) generated by the Co- Investigating Judges .....	126
2. Torture-tainted Evidence.....	126
Chapter VI. Applicable Law regarding Personal Jurisdiction at ECCC .....	127
1. Personal Jurisdiction at ECCC .....	127
2. The Position of the ECCC within the Cambodian Legal System: Personal, Temporal and Subject-Matter Jurisdictions .....	129
3. Criminal Law Principles: The Effectiveness of in dubio pro reo, Strict Construction, Selective Jurisdiction, and Selective Trial.....	131
4. Narrow Personal Jurisdiction Shown During the Negotiation to Establish the ECCC .....	133
5. Policies and Decision-Making Mechanisms of the Democratic Kampuchea Regime and its Influence over Cadres .....	135
Chapter VII. Findings and Conclusion on Personal Jurisdiction over YIM Tith and the Conclusion of Case 004 .....	141
1. Findings and Conclusion on Personal Jurisdiction over YIM Tith.....	141
2. The Conclusion of Case 004 .....	145

Annex A: Abbreviation

Annex B: Documents used in the Closing Order

I, **YOU Bunleng**, the National Co-Investigating Judge of the ECCC,

- Noting** the “Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia” dated 27 October 2004 (“the ECCC Law”);
- Noting** Rule 55, Rule 66, Rule 66*bis* and Rule 67 of the Internal Rules of ECCC [Rev. 9] dated 16 January 2015 (“Internal Rules”);
- Noting** Case File No. 004 dated 07 September 2009;
- Noting** the International Co-Prosecutor (“ICP”)'s Third Introductory Submission dated 20 November 2008<sup>1</sup>;
- Noting** the preliminary investigation into the following allegations against **YIM Tith**<sup>2</sup>:
- A. Homicide, torture and religious persecution of the Cham. These constitute violations of the 1956 Penal Code, Articles 501, 503, 504, 505, 506, 507 and 508, Articles 500, 209 and 210, punishable under Articles 3 (new), 29 (new), 39 (new) of the ECCC Law.
- B. Murder, extermination, enslavement, imprisonment, torture, rape; persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and the bourgeoisie, “new people”, suspected “bad elements”, Buddhists, the Cham, and persons of Vietnamese ethnicity, and other inhumane acts. These constitute crimes against humanity, punishable under Articles 5, 29 (new), and 39 (new) of the ECCC Law.
- Noting** the excerpt of the Consideration of the Pre-Trial Chamber (PTC) regarding the Disagreement between the Co-Prosecutors (“CPs”) dated 18 August 2009 in which the PTC stated that the chamber was unable to reach a decision on the disagreement and the action of the ICP shall therefore be executed;<sup>3</sup>
- Noting** the Third Introductory Submission filed by the ICP on 07 September 2009 requesting the Co-Investigating Judges “CIJs” to open a judicial investigation;<sup>4</sup>
- Noting** the International Co-Prosecutor's First Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom dated 18 July 2011;<sup>5</sup>
- Noting** the Second Supplementary Submission regarding Forced Marriage and Sexual or Gender based Violence dated 24 April 2014;<sup>6</sup>
- Noting** the Response to Forwarding Order and Supplementary Submission regarding Wat Ta Meak dated 04 August 2015;<sup>7</sup>

- Noting** the Response to Forwarding Order dated 05 November 2015 and Supplementary Submission regarding the scope of investigation on Forced Marriage in Sector 1 and Sector 4 dated 20 November 2015;<sup>8</sup>
- Noting** the Notice of Conclusion of Judicial Investigation against **YIM Tith** pursuant to Internal Rule 66 (1) dated 13 June 2017;<sup>9</sup>
- Noting** the Decision on **YIM Tith's** Request for Adequate Preparation Time dated 16 June 2017 and 05 July 2017;<sup>10</sup>
- Noting** the Decision on **YIM Tith's** Application to Annul the Investigative Material Produced by **Paolo STOCHHI**, dated 25 August 2017;<sup>11</sup>
- Noting** the Second Notice of Conclusion of Judicial Investigation against **YIM Tith** dated 05 September 2017;<sup>12</sup>
- Noting** the Forwarding Order pursuant to Internal Rule 66 (4) dated 01 March 2018;<sup>13</sup>
- Noting** the National Co-Prosecutor (“NCP”)'s Final Submission concerning **YIM Tith** dated 31 May 2018;<sup>14</sup> The International Co-Prosecutor's Final Submission concerning **YIM Tith** dated 04 June 2018.<sup>15</sup>
- Noting** the estimated time needed for **YIM Tith** to respond to ICP's Final Submission dated 12 June 2018;<sup>16</sup>
- Noting** the Decision on time granted for the Defence Lawyers to respond to the CP's Final Submissions, dated 20 June 2018;<sup>17</sup>
- Noting** **YIM Tith's** Response to NCP's and ICP's Final Submission pursuant to Internal Rule 66 dated 26 November 2018;<sup>18</sup>

## CHAPTER I. INTRODUCTION

### 1. THE ESTABLISHMENT OF THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

1. After receiving the request for assistance from the Royal Government of Cambodia on 21 June 1997,<sup>19</sup> an agreement was signed on 06 June 2003 between the United Nations (UN) and the Royal Government of Cambodia (RGC) to bring to trial the high-level leaders and the most responsible people for crimes and serious violations against Cambodian and international laws committed during the Democratic Kampuchea (DK) regime, starting from 17 April 1975 to 06 January 1979 (The agreement on the establishment of the ECCC).<sup>20</sup>
2. The ECCC was officially established on 03 July 2006 under the laws of the Kingdom of Cambodia after the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia to bring to trial the crimes committed during the DK regime.<sup>21</sup>

### 2. NOTE ON THE CLOSING ORDER

3. We would like to affirm that, theoretically, any individual whose name is in a third introductory submission of a co-prosecutor has already been called a “charged person”. The status of the charged person is received upon the third introductory submission of the co-prosecutor. The placement under the judicial investigation is the procedure for the charged person to have the right to know and to request lawyers to face the evidence posted by the co-prosecutors and information by the investigative judge. We have noted the written records of disagreements related to the placement under the judicial investigation and have not filed a complaint to the Pre-Trial Chamber. The use of the documents received after being placed under the judicial investigation is not wrong, neither is the use of the word charged person in a closing order.
4. This Closing Order considers whether **YIM Tith** was under the personal jurisdiction of the ECCC. The facts used for the complaints by the International Co-Prosecutors, as the real actus reus, did exist. Notwithstanding, the National Co-Prosecutors did investigate all the facts. This Closing Order was issued based on the evidence which was the result of a legal investigation of the Office of Co-Investigating Judges (OCIJ). The National Co-Prosecutors mainly considered the participation, and other conditions, of the accused person in committing crime(s), which are vital factors to determine whether “the charged person” was a high-level leader or the most responsible person. In this sense, the Closing Order does not necessarily consider the crime(s) based on the facts nor include written forms of responsibilities.
5. The documents which will be used in the closing order include: all documents in Case File 004 which were received from the investigation and the transfer from other case files including Case File 001, Case File 002, Case File 004/1 and Case File 004/2. The documents of the reserved International Co-Investigating Judge **Laurent Kasper-ANSERMET** will not be used. However,

after Judge **Laurent Kasper-ANSERMET** left, some documents were inserted as part of the Introductory Submission issued by this judge. Therefore, the National Co-Investigating Judges consider that this closing order could have used some incorrect documents **unintentionally or confusingly**.

6. This Closing Order uses about 1,359 (one thousand three hundred fifty nine) documents classified into 21 types such as: telegram messages which were the minutes of meetings of the permanent members of the Central Committee of the Communist Party of Cambodia of the Democratic Kampuchea regime, the confessions of prisoners at S-21 prison, the documents from the DC-Cam and the written records of witness interviews which consist of more than 754 annexes. In the last documents, there were confessions of important witnesses (insider witnesses), such as those of at least 183 cadres of the Democratic Kampuchea regime. They were the written records of witness interviews in Case File 004.
7. On 13 June 2017 the co-investigative judges announced the end of the investigation.<sup>22</sup> Based on the complexity of the case, on 05 July 2017, the Co-Investigating Judge decided to give an additional 30 days for all parties in Case File 004 to request additional investigation.<sup>23</sup> On 05 September 2017, the co-investigative judges issued a second notification on the closure of investigation of **YIM Tith**.<sup>24</sup> After that, on 01 March 2018, the co-investigative judges sent the case to the Co-prosecutor to examine and issue a final submission within three months, starting from the date of receiving the introductory submission from the co-investigative judges.<sup>25</sup> The national and international Co-Prosecutors issued the final submission related to **YIM Tith** on 31 May 2018 and on 04 June 2018 respectively.<sup>26</sup> In order to ensure the equity principle among the parties, the complexity of the case, and the problem with interpretation, the Co-Investigating Judge considered an appropriate time for **YIM Tith** to respond to the final submission of the co-prosecutor. On 26 November 2018, **YIM Tith** submitted a response letter.<sup>27</sup>
8. Starting from the day of the closure of the investigation to the date when the closing order was issued, the time was longer than that of Case File 001 and Case File 002, Case File 004/1 and Case File 004/2. However, the decision on the violation of the rights of **YIM Tith** to receiving judgement during an appropriate time is not appropriate. The Case File 004 is a huge case and consists of 50 accused crime scenes compared to Case File 004/1 and Case File 004/2. Additionally, during the procedure, there were many complaints and petitions from the parties to the Pre-trial Chambers where all judgements were made based on a time schedule. Time was given to the parties for them to be able them to respond and guarantee equity and transparency of the procedures. The allotted time stated in the internal rule waited for the decisions from various departments including the translation which affected the process and subsequent procedures of the Co-Investigating Judge.
9. As shown in Chapter 5 below, the National Co-Investigating Judge considered that there were no mistakes in the descriptions of the types of evidence and the cost of the evidence in this closing order. Article 31 (the evaluation of the

evidence by the court) of the Cambodian crime in 2007 and the principle of receiving evidence freely of the Civil Laws do not ban such action. As an actual and reasonable practice, there are not differences between types of evidence (direct and indirect evidence), examples of evidence or testimony of witnesses who saw the events first-hand. The important thing is the consideration of the evidence based on the set procedures, which are the legal relevance and the actus reus of the evidence.

10. Regarding the evidence accused of being received through torture, the Co-Investigating Judge has the right to evaluate the evidence collected based on the quality of the evidence, the reality, the legality, and actus reus by considering the past decisions of the trial of first instance<sup>28</sup> and the trial of the supreme court.<sup>29</sup> Additionally, documents which were abrogated by *Angkar* will not be considered.<sup>30</sup>

## CHAPTER II. THE HISTORY OF PROCEDURES

### 1. REMINDER OF THE PROCEDURES

11. On 20 November 2008, based on Rule 53 of the Internal Rules, the International Co-Prosecutor issued the third introductory submission for investigation (introductory submission) to make various accusations, such as **YIM Tith** was to be accused of crimes under the jurisdiction of the ECCC.<sup>31</sup> On 03 December 2008, there was a written record of disagreements between the co-prosecutors on the third introductory submission. And that written record of disagreements was submitted to the Pre-Trial Chamber. On 18 August 2009, the Pre-Trial Chamber announced that, not accepting the absolute majority of opinions, the co-prosecutors would have to execute it.<sup>32</sup>
12. On 07 September 2009, the acting co-prosecutors provided information about the third introductory submission and requested the Co-Investigating Judge to start the investigation.<sup>33</sup> On 09 June 2010, the Co-Investigating Judge made a written record of disagreements about the ways and methods of the investigation. The National Co-Investigating Judge claimed that it was not necessary to conduct the investigation and that there should have been a focus only on the examination of existing documents in the Case file.<sup>34</sup> On 09 June 2010, the Intentional Co-Investigating Judge (ICIJ) **Marcel LEMONDE** issued a third introductory submission.<sup>35</sup> On 01 November 2010, the International Co-Investigating Judge **Marcel LEMONDE** resigned from his position for personal reasons. On 01 December 2010, International Co-Investigating Judge **Siegfried BLUNK** started working officially.<sup>36</sup> On 02 February 2011, the Co-Investigating Judge issued a notification by creating many working groups in order to examine and analyse the documents in the case file, especially the documents in Case File 001 and Case File 002.<sup>37</sup> *After that, the co-prosecutor submitted the introductory submission, accusing **YIM Tith** of being responsible for another crime.*<sup>38</sup>
13. The disagreements between the co-investigative judges (CIJ) in this case were registered. On 22 February 2013, on 05 April 2013, 22 January 2015, 21 October 2015, 16 January 2017, and 21 January 2019.

14. On 09 December 2015, the International Co-Investigating Judge (ICIJ) ordered **YIM Tith** to be under the judicial investigation for the case of the violation of Article 501 and 506 of the Criminal Law of 1956 (murder) about genocide, crimes against humanity, and serious violations of the Geneva Convention of 1949.<sup>39</sup> On 29 March 2017, the International Co-Investigating Judge issued a decision verdict to change the accusation case in order to include additional forms of responsibility.<sup>40</sup>
15. On 13 June 2017, International Co-Investigating Judge issued a closing order to narrow the scope of the investigation based on Rule 66 bis of the Internal Rules.<sup>41</sup>
16. On 13 June 2017, the Co-Investigating Judge issued a notification about the closure of the investigation of **YIM Tith** (the information about the closure of investigation) and informed all parties that they had 15 days from the date of notification about the closure of the investigation in order to request additional investigation.<sup>42</sup>
17. On 16 June 2017, the defendant lawyer of **YIM Tith** (the defendant's lawyer) submitted a request to extend the delay of 15 days to at least six months (request to extend the time).<sup>43</sup>
18. On 23 June 2017, the Co-prosecutor submitted a request for certification of the decision of the Co-Investigating Judge on the request of the Co-prosecutor to complete the investigation related to the analysis report of VOEUN Rithy (request for certification).<sup>44</sup>
19. On 05 July 2017, the co-investigative judges issued a closing order on the request to extend the time by not objecting to the request to extend the time by up to six months. However, the co-investigative judges provided the parties an additional 30 days instead; that meant all parties could request to complete the additional investigation until 28 July 2017 (closing order on the request to extend the time).<sup>45</sup>
20. On 19 July 2017 and 24 July 2017, the International Co-Prosecutor submitted the request to include some documents into Case File 004.<sup>46</sup> The International Co-Investigating Judge issued a closing order on these requests on 25 August 2017.<sup>47</sup>
21. On 26 July 2017, the defendant lawyer submitted an appeal complaint against the closing order on the request to extend the time (the appeal complaint of the defendant lawyer).<sup>48</sup>
22. On 28 July 2017, the International Co-Prosecutor submitted two requests to complete the investigation: the first request was to ask for the completion of the investigation related to the Prison No.08 in Kandieng District and the sexual violence in Bakan District<sup>49</sup> (the request to complete the first investigation of the ICPs) and the request to complete investigation as shown in the annex attached herewith (the request to complete the second investigation of the ICPs).<sup>50</sup>

23. On 28 July 2017, the defendant lawyer submitted an investigative request related to the use of *Angkar* numbers received by the use of torture (investigative request of the defendant lawyer).<sup>51</sup>
24. On 03 August 2017, the International Co-Investigating Judge issued a closing order on the second investigative request of the International Co-Prosecutor.<sup>52</sup>
25. On 10 August 2017, the International Co-Investigating Judge issued a closing order on the investigative request.<sup>53</sup>
26. On 04 September 2017, the International Co-Investigating Judge issued a closing order on the first investigative request of the International Co-Prosecutor on the remaining parts of the investigative request of the International Co-Prosecutor.<sup>54</sup>
27. On 05 September 2017, the International Co-Investigating Judge issued a closing order on the investigative request of the defendant lawyer.<sup>55</sup>
28. On 05 September 2017, we issued a second notification on the closure of the investigation of **YIM Tith** and we informed the parties that there would not be additional time for the investigative request (the second notification about the closure of the investigation).<sup>56</sup>
29. On 12 September 2017, the defendant lawyer submitted a complaint to the Pre-Trial Chamber to abrogate a number of documents related to the Civil Complainant (first request for abrogation).<sup>57</sup>
30. On 25 September 2017, the International Co-Investigating Judge provided permission based on the first request for abrogation and ordered to send the case file to the Pre-Trial Chamber to decide on this request.<sup>58</sup>
31. On 25 October 2017, the co-prosecutor submitted an appeal complaint against the closing order of the International Co-Investigating Judge on the first investigative request of the Co-prosecutor (appeal complaint of the Co-prosecutor).<sup>59</sup>
32. On 08 November 2017, the defendant lawyer submitted a complaint application to the Pre-Trial Chamber to request for abrogation of the evidence received by the torture (second request for abrogation).<sup>60</sup>
33. On 13 November 2017, the Pre-Trial Chamber issued a decision to reject the appeal complaint of the defendant lawyer.<sup>61</sup>
34. On 08 January 2017, the Pre-Trial Chamber did not have any decision on similar issues in Case File 003 raised on Paragraph 32 above. Hence, the International Co-Investigating Judge provided permission based on the second RA and ordered to send the case file to Pre-Trial Chamber to decide on this request.<sup>62</sup>

35. On 09 February 2018, the Defence Lawyers submitted the request for the correction of translations in a number of written records of witness interviews in the case file (request for correction of the defendant lawyer).<sup>63</sup>
36. On 13 February 2018, the Pre-Trial Chamber issued an order on the appeal complaint of the co-prosecutor against the closing order on the investigative request related to sexual violence in Prison 08 in Bakan District.<sup>64</sup>
37. On 28 February 2018, the International Co-Investigating Judge issued a closing order on the request for correction of the defendant lawyer and instructed the Translation Unit to amend all of the related written records of witness interviews based on the permission in the closing order.<sup>65</sup>
38. On 01 March 2018, based on Rule 66(4) of the internal rules of the ECCC, the Co-Investigative Judge sent Case File 004 to the co-prosecutor to examine and issue a closing order.<sup>66</sup>
39. On 31 May 2018, the National Co-Prosecutor issued a introductory submission related to **YIM Tith** in accordance with Rule 66 of the Internal Rules and requested to abrogate the accusation against **YIM Tith**.<sup>67</sup> On 04 June 2018, the co-prosecutor issued a final submission related to **YIM Tith's** case in accordance with Rule 66 of the internal rules and clarified that **YIM Tith** should be taken to be put on trial.<sup>68</sup>
40. On 12 June 2018, the defendant lawyer of **YIM Tith** made an assumption of the time necessary for **YIM Tith** to respond to the final submission of the co-prosecutor and requested three months for the defendant lawyer starting from the date of receiving the information about the complete translation into Khmer of the final submission of the co-prosecutor and then send all of the pages to respond in English first. Then the note in Khmer would be submitted later, as soon as possible.<sup>69</sup>
41. On 20 June 2018, the Co-Investigating Judge issued a closing order on the time to be provided to the defendant lawyer to respond to the final submission of the co-prosecutor by providing the defendant lawyer three months to respond to the final submission of the National Co-Prosecutor and the co-prosecutor in English first starting from the date of receiving the notification about the submission of the note translated in Khmer of the final submission of the co-prosecutor and the Khmer translated was submitted later, as soon as possible.<sup>70</sup>
42. On 26 November 2018, the defendant lawyer of **YIM Tith** submitted the response of **YIM Tith** to the final submission of the National Co-Prosecutor and the International Co-Prosecutor against him in accordance with Rule 66 of the Internal Rules by clarifying that the ECCC lacks jurisdiction on **YIM Tith**.<sup>71</sup>

## 2. THE UNCERTAINTY OF THE PROCEDURES IN THE PRELIMINARY INVESTIGATION

43. Even though the disagreements between the two co-prosecutors were solved by the Pre-Trial Chamber and the introductory submission to send the case for

investigation was enacted, the National Co-Investigating Judge considered that it was necessary to show them in the summary history of this issue.

44. The co-prosecutor started the preliminary investigation unilaterally, although the legal procedures of the ECCC and the principles of the UN set a condition that co-prosecutors had to work together. This principle necessarily required the compliance of procedures based on the laws on the establishment of the ECCC. In contrast, the International Co-Prosecutor conducted the preliminary investigation unilaterally by collecting documents and conducting interviews without participation from the National Co-Prosecutor and without going through the procedures on disagreements. These reasons were in addition to the written records of witness interviews without signatures of the co-prosecutor and the individuals who were interviewed.
45. On 20 November 2008, the co-prosecutor submitted an introductory submission to send the case for investigation unilaterally within the framework of this case by accusing YIM Tith as the responsible person for crimes under the jurisdiction of the ECCC. This introductory submission was not executed by the Co-Investigative Judge immediately because, at the same time, the National Co-Prosecutor filed a complaint against it and for the consideration on the disagreements, which was the objective and this was sent to Pre-Trial Chamber. As a result, the Pre-Trial Chamber did not get sufficient votes. Hence, it was difficult, in the context of ECCC, for the introductory submission to be legally endorsed. After that, the acting co-prosecutor sent the introductory submission to the Co-Investigative Judge for the investigative request on the events in Case File 004.
46. On 09 December 2015, the International Co-Investigating Judge executed the regulation to show to the parties for the first time by placing **YIM Tith** under the judicial investigation; however, the action to execute the regulation was opposed by the National Co-Investigating Judge in accordance with Rule 72, point 1, of the Internal Rules.<sup>72</sup>
47. The National Co-Investigating Judge did not agree with the decision to put **YIM Tith** under judicial investigation because the National Co-Investigating Judge believed, based on the results received from the investigation, that there were still too many suspicious points about **YIM Tith** related to the individual jurisdiction issue to put this person under the judicial investigation. The individual jurisdiction issue of **YIM Tith** was the most prioritised and important issue which was the objective of the consideration before executing other actions in the legal framework of the ECCC which was the jurisdiction choice.

### **3.THE UNCERTAINTY OF THE WORK COMMITTED BY THE RESERVE INTERNATIONAL CO-INVESTIGATING JUDGE**

48. After the official resignation on 09 October 2011 of the International Co-Investigating Judge **Siegfried BLUNK**, the reserve International Co-Investigating Judge (reserve International Co-Investigating Judge) **Laurent Kasper-ANSERMET** did not arrive at ECCC immediately. He started working from his old working place via the internet. When he arrived at the ECCC, he

started doing a number things without discussing them with the National Co-Investigating Judge. This action was contrary to the content of the agreement which stated the cooperation between co-investigative judges. The National Co-Investigating Judge requested a temporary pause of the official appointment by the Council of Magistrates of the Kingdom of Cambodia of the International Co-Investigating Judge in order to become a full rights International Co-Investigating Judge.<sup>73</sup>

49. Notwithstanding that, the International Co-Investigating Judge **Laurent Kasper-ANSERMET** continued with the investigation, such as informing the suspect of the accusation case, placing the suspect under judicial investigation, investigating witnesses, the hearing of civil complaints, and so on.
50. The International Co-Investigating Judge was appointed by the Council of Magistrates of Cambodia after the proposal by the General Secretary of the United Nations (Article 26 of the laws of ECCC). Rule 7 of the Internal Rules stated the procedures on resignation based on some regulations of laws and agreements of the ECCC. The new Article 11 of the law on the establishment of the ECCC indicates that the reserve International Judge has to be appointed by the Council of Magistrates. The new Article 46 of the law on the establishment of the ECCC states clearly that the Council of Magistrates shall appoint the judge in order to complete the vacancy when the full rights judge resigns from his position. This is in contrary to the new Article 11 which states that the chairman of the tribunal appoints the reserve judge to replace the full rights judge when the latter is absent (new Article 11). The new Article 46 requires the appointment of the reserve judge by the Council of Magistrates in order to become a full rights judge. The appointment of the reserve International Co-Investigating Judges, **Siegfried BLUNK**, **Mark Brian HARMON** and **Michael BOHLANDER**, to be full rights judges was made in accordance with the new Article 46 before they began doing their jobs at the ECCC. The National Co-Investigating Judge issued a notification rejecting all of the working activities of the reserve Co-Investigating Judge **Laurent Kasper-ANSERMET** and claimed that these activities were not valid by law because they were committed when the reserve Co-Investigating Judge was a full rights investigating judge. Therefore, the National Co-Investigating Judge, in both a direct meeting and in the written record of disagreements related to the case documents, claimed that they would not accept the documents made by the reserve Co-Investigating Judge who submitted the documents in the case. The numbering of the documents in Case File 004 are to be counted from the last documents before the resignation of Judge **Siegfried BLUNK**. In this sense, the closing order created by the reserve Co-Investigating Judge **Laurent Kasper-ANSERMET** will not be considered to be legally valid.

#### 4. THE PROCEDURES OF PLACING SOMEONE UNDER JUDICIAL INVESTIGATION

51. In accordance with the Internal Rules, an investigation must be done only for events in the submission or the additional introductory submission. However, the decision to open the investigation on any individual is the right of the Co-

Investigative Judge. Rule 55 (4) of the Internal Rules states related to this case *“the Co-Investigating Judge has the power to open an investigation against any individual whose name is in the Introductory Submission.” The Co-Investigating Judge can open the investigation for any individuals when there are clear and sufficient hints which certify that those individuals could be responsible people in crimes stated in additional introductory submission”*.<sup>74</sup>

52. Even though Rule 55 of the Internal Rules states that it requires evidence that are “suitable and clear hints” for the case of placing someone, whose name is not in the introductory submission or additional introductory submission, under the personal investigation, in the past, the Co-Investigative Judge used this level of evidence to put a suspect whose name is in the introductory submission, or additional introductory submission, under the judicial investigation. This level of evidence was not as reliable as the level of the evidence required to regard someone as guilty (beyond the suspicion) that the co-prosecutor had to show.<sup>75</sup> However, this evidence level is not irrelevant because the case requires many other examples of clear evidence which support each other in order to show that the suspect is a responsible person in committing the crime and to be sure those who are responsible will be sent to trial in the future.<sup>76</sup>
53. In the civil law system, the co-investigative judges cannot send anyone to be put on trial without first placing that person under the judicial investigation. The strategy of the supreme court of France also clarified that, *“The co-investigative judges, before issuing the closing order which is the waiver of the accusation, do not have to place that person under the judicial investigation or hearing if the co-investigative judges believe that the person's guilt might not be found.”*<sup>77</sup>
54. The accused person has a number of major rights during the process of the criminal case, such as the right to have a lawyer as stated in the announcement of the global covenant and other conventions of which Cambodia is one of the parties.<sup>78</sup> The fact that one individual is not placed under judicial investigation and in the end that individual is put on trial can violate those rights because the suspect does not have the opportunity to execute their rights, which will result in the injustice of the judgement. In the decision to place someone under judicial investigation and the push of the crime procedure forward, the court shall spend time and resources in order to fulfil the duties based on legal procedures. In the last case, even if the individual is removed from being charged because the court could not find any responsibility, the court will spend time and resources. This is not a good way for the effectiveness and economy of the court process (Judicial Economy).
55. For the decision of placing a suspect in judicial investigation, it is not the obligatory duty for the co-investigative judges to always follow this. Therefore, based on independent and unbiased principles, especially the principle of the assumption of innocence, which protects the rights and benefits of the suspect and which is based on the principle of receiving a just judgement,<sup>79</sup> even if the co-investigative judge has placed the suspect under judicial investigation, the co-investigative judge can still remove the charge if all conditions to send the accused person to the trial are not met. The removal of the charges can be done

for all facts used against the accused person. In addition, placing someone under judicial investigation does not require the judge to detain that person if the detention is not necessary.

### CHAPTER III. THE NOTES OF FACTS

#### 1. THE GENERAL POLICIES OF THE DEMOCRATIC KAMPUCHEA REGIME

##### 1.1. THE GENERAL SITUATION OF THE DEMOCRATIC KAMPUCHEA REGIME

56. According to the documentary entitled “The geography of the Democratic Kampuchea regime” issued by the Ministry of Education of the Democratic Kampuchea regime in 1977, the total population of the Democratic Kampuchea regime was 7,700,000, among which 80 percent were peasants in cooperatives and 20 percent were union workers and female and male combatants of the Kampuchea Revolutionary Army.<sup>80</sup> For this reason, there was anger about class division<sup>81</sup>. People were furious with the feudalist class<sup>82</sup> and the capitalist class, which were the classes that had held power. People were propagandised to believe that these classes had been the suppressing classes for over 2,000 years and that those feudalists and capitalists had sold their heads to the imperialists and foreigners for their own benefit and that that of their parties.<sup>83</sup> This fact led the lower class people to determine to take action to affect the destiny of the whole of Cambodia.<sup>84</sup>
57. After the collapse of the Khmer republic (LON Nol regime), the Democratic Kampuchea regime was born. They led the country officially from 17 April 1975<sup>85</sup> until 06 January 1979, changing the whole of Cambodia into a country that followed a real social revolution at the end of the 20th century.<sup>86</sup> The revolution at that time was launched to abolish the feudalist and capitalist classes in order to save the impoverished people who were suppressed. It completely rejected the participation of intellectuals and knowledgeable people. Hence, those people had to be removed from throughout the country. Even students who were studying abroad had to be called back home and were killed.<sup>87</sup>
58. On the other hand, there was another important goal: to promote and elevate lower class people including peasants, farmers, and poor people. A huge number of illiterates were appointed to hold management and leadership positions in their hierarchy.<sup>88</sup>
59. In order to achieve their most important goal, the leaders of the Democratic Kampuchea regime issued a policy to evacuate all people<sup>89</sup> out of the provincial towns and cities to the countryside<sup>90</sup> to join in mass agricultural activities<sup>91</sup>, which, they believed, was the most important sector. They believed that this sector was the foundation to elevate and develop the national economy to the maximum level under the direct leadership and advisory of the Party<sup>92</sup> and based on the principles of “**Independence, ownership, and self-dependence.**”<sup>93</sup>

60. Prior to 1975, the Party evacuated the people from some areas which had been liberated and under the control of the Party.<sup>94</sup> After that, in each liberated area, the Party required people to live in cooperatives, in which everything became collective property, including living, farming, crop cultivating, eating, and so on. In general, the Party was the leader and the Party collected all crops. Then the Party delivered the crops to the people.<sup>95</sup> Additionally, the Party controlled all activities including the living of the people, the communication of the people, and even the travel of the people.<sup>96</sup>
61. There was a clear statement on the establishment of cooperatives on 20 March 1973. At that time, the people were very satisfied.<sup>97</sup> In fact, the Party officially decided to arrange the cooperatives on 20 May 1973.<sup>98</sup> For the arrangement into cooperatives so that the people could do farming and harvest crops collectively, the peasants who did not have, or had little, land were delighted and the peasants who had huge farmland were disappointed with the arrangement of the Party; the latter seemed to be frustrated with the word “cooperatives”.<sup>99</sup>
62. Subsequently, the areas which were liberated were arranged into “**cooperatives**”<sup>100</sup> with the reason that collectivism was a valuable and humane vision in which everyone would receive the same amount of food.<sup>101</sup> Under the framework of collective food, each person would receive two meals per day, one of which was gruel and another one was cooked rice.<sup>102</sup> Hence, at that time, cooperatives were regarded as the fundamental and robust base of the revolution and cooperatives were created nationwide in order to reach victory on 17 April.<sup>103</sup>
63. After 17 April 1975, virtually all of the leaders in the Khmer Republic regime at all levels of hierarchy were removed; even those who had held the positions of village chiefs or commune chiefs were removed from their positions to dig canals, raise dams, farm rice, and herd cattle.<sup>104</sup> Almost all students, lecturers, intellectuals, and soldiers were arrested, detained, and killed consecutively.<sup>105</sup> Regarding the education sector at that time, there were neither educational institutions, nor schools and teachers.<sup>106</sup> In the meantime, under the leadership of the Democratic Kampuchea regime, there were dramatic changes in the use of Khmer words. They instigated a “**Khmer language revolution**” by introducing many new words.<sup>107</sup> Leaders at almost all levels did not raise good ideas in meetings. What they shared with the people during the meetings was only “*We have to strengthen our stance and try to work hard.*”<sup>108</sup> The change of mindset and such leadership led the destiny of Cambodia to sink into disaster which has marked the history of humankind.

## 1.2. THE LEADERSHIP STYLE

64. The administrative structure of the regime, from the high level to the low level and at the local level, was very clearly divided regarding the decision-making process and work management, which was “**collectivism**”.<sup>109</sup> They used an excuse, saying that they could rebuild the country based on collectivism to make Cambodia develop incomparably quickly.<sup>110</sup> Moreover, each Party policy was disseminated to the people nationwide through calling people for meetings

at all levels from the high level to the low level based on the leading hierarchy from the Central Zone, the sectors, the autonomous sectors, districts, communes, villages, and cooperatives.<sup>111</sup>

65. Through this communist-style leadership, everything set by the Party was regarded as most prestigious. The Party was Number One and the most influential institution was “**the Central Committee of the Party**”.<sup>112</sup> This committee consisted of 30 members who made decisions on a number of core issues related to the destiny of the country.<sup>113</sup> The Permanent Committee of the Communist Party of Cambodia consisted of seven members including POL Pot, NUON Chea, SAO Phim, IENG Sary, VORN Vet, and SON Sen.<sup>114</sup> In reality, in order to ensure the daily power execution operation, the work had to be in the hands of the “Permanent Committee”<sup>115</sup> even if there were objections from the former chairman of the committee.<sup>116</sup> The state chairman, KHIEU Samphan, alias Hem, mentioned that the most important principle of *Angkar* was “**The Central Committee**”.<sup>117</sup>

### 1.3. AGRICULTURE AND ECONOMY

66. In the agriculture sector, in 1976, the Party set targets and core methods to increase rice production up to<sup>118</sup> “**three tons per hectare**”<sup>119</sup> on a land size of 1,500,000 hectares nationwide. The Party expected to receive rice yields of up to 4,500,000 tons.<sup>120</sup> For example, in all meetings at local areas, they often said, “**We have to grow crops even on areas as small as 10cm of land. We must not leave any space of land unused.**”<sup>121</sup> A witness who was a former typewriter said, “Most of the documents were about farming reaching targets of three tons per hectare.”<sup>122</sup> As an example, the majority of crops collected had to be given to the Party and the Party exported it abroad.<sup>123</sup>
67. The local leaders were required to produce rice yields of three tons per hectare. This was the main policy to be implemented effectively nationwide. This fact made cooperative chiefs in local areas send huge rice yields to upper levels in order to show the upper level that they tried to work hard and they were honest with the Party. All the while, the local people lacked food to eat.<sup>124</sup> They did that because they were afraid that the upper *Angkar* would arrest and kill them. As a consequence, people suffered from starvation virtually nationwide. Furthermore, this fact pushed people to suffer many inhumane actions as if they were slaves.<sup>125</sup> This issue caused many people to die of starvation and infectious diseases.
68. The government of the Democratic Kampuchea regime thought and claimed that they had a marvellous leadership style which was different from others in the world.<sup>126</sup> IENG Sary, the former deputy prime minister in charge of foreign affairs, stated, “**The Khmer revolution did not follow any footsteps from the past. These achievements have never before occurred in history.**”<sup>127</sup> Regarding stance, the Democratic Kampuchea regime was very absolute.<sup>128</sup> People were forced to work at local areas, at work sites, and at canals in very difficult conditions<sup>129</sup> without sufficient breaks.<sup>130</sup> The situation of the people who worked at work sites was indescribably difficult. The people did not have

enough food to eat. Even leaves, wild vegetables, banana trees and so on, became the food for the people to eat for their survival.<sup>131</sup> This made the bodies of the people become so skinny that some of them looked like just skin and bones - as if they were dead and yet, they were alive or could live on for another day.<sup>132</sup> They even issued a policy to the people to raise their awareness and spirit for economy: “*We have to be economical. We must not waste even a piece of salt, a seed of rice, not even a small snail.*”<sup>133</sup>

69. Regarding rice field embankments at that time, people were required by *Angkar* to raise rice field embankments up to the height of 1 metre, the width of 1 metre and bottom size of the rice field embankments 1.5 metres. Each person was required to raise 10 metres long per day.<sup>134</sup> At that time, even children who were aged from 6 to 10 years old were forced to work; their parents did not dare to stop them from working as it was the order of *Angkar*. Parents had to allow their children to work.<sup>135</sup>
70. For the national economy, both the macro and micro economy faced dramatic downfalls because there was no flow of currency.<sup>136</sup> They used a very simple excuse that the use of money, which would be the means to serve the market economy, would lead to suppression, especially it would lead to corruption which was regarded by the regime as the core problem that had previously caused instability to the management and leadership of the country.<sup>137</sup> The traffic of money is regarded by economists as the foundation and the only scaffolding for a national economy.
71. The meeting on 20 May 1975 at the Olympic Stadium decided that there would be neither markets nor money usage.<sup>138</sup> As an example: a witness who was a former cadre who participated in the political training of the Party, where POL Pot and NUON Chea were the chairmen, claimed that “The two people talked about the politics to arrange cooperatives. They forbade people from talking about spending money. They closed markets and pagodas. They said they could open those again in the future.”<sup>139</sup> In 1976, HOU Nim was taken to be killed because he shared his idea, proposing to spend money and to open markets, which was in contrary to the prior decision of POL Pot, NUON Chea, and *Ta Mok*.<sup>140</sup> However, in late 1978, there was a decision to allow the traffic of currency and to open markets. The regime fell before the decision was implemented.<sup>141</sup>

#### 1.4. RELIGIONS AND INDIVIDUAL FREEDOM

72. Regarding beliefs and religion, even though Buddhism had been the national religion for a very long time, the leadership of the regime forced monks to leave the monkhood.<sup>142</sup> Those monks who refused to do so were killed.<sup>143</sup> Virtually all pagodas suffered serious destruction.<sup>144</sup> As a leader, POL Pot implemented an absolute Marxist theory on all religions in Cambodia, not only Buddhism.<sup>145</sup> As an illustration, many witnesses had similar claims that all religions were banned and pagodas were transformed into kitchens, places to domesticate animals, detention places, and places where people were killed.<sup>146</sup> One witness stated clearly that “At that time, all religions were abolished. Only the Communist

Party was to be respected.” The Communist Party hated monks... more than others.<sup>147</sup> In addition, we can say that the Democratic Kampuchea regime was a realist regime because this regime focused on the stand that says “They did not believe in astrology.”<sup>148</sup>

73. The Democratic Kampuchea regime divided people by age, sex, and so on. They required people to live and work separately based on their assignments.<sup>149</sup> For the elderly, they did not allow them to be free. The old people had to take care of small children because the children's parents had to work at the work sites.<sup>150</sup> Children were also forced to work - collecting rice seeds,<sup>151</sup> herding cattle,<sup>152</sup> and collecting cow dung to make fertiliser.<sup>153</sup> When they had free time, they had to join in revolutionary education.<sup>154</sup> For adults, they were regarded as the core forces and they had to join to work hard to grow plants,<sup>155</sup> such as growing crops and vegetables. Some adults had to carry fertilizer, dig canals<sup>156</sup>, and raise dams.<sup>157</sup> If we talk about the irrigation issue, the Party propagandised that **“If we only look at the changes over these two years, we can see that it has been very fast, compared to the previous 100 years. In the past, there were no such water tanks.”**<sup>158</sup>
74. In addition, at that time, people did not have rights, freedom,<sup>159</sup> the right to receive information<sup>160</sup>, the right to travel,<sup>161</sup> no markets,<sup>162</sup> the right of private ownership,<sup>163</sup> no hospitals, no health centres, nor medicines to cure diseases.<sup>164</sup> For travel, there were a lot of difficulties, even travelling from one village to another. Everyone had to request permission to get a right to travel. The permission was called “The letter to travel on roads.”<sup>165</sup> The permission was given was based on the feeling of the person who made the decision.<sup>166</sup>
75. In general, if there was no permission, people did not have a right to go to visit their relatives.<sup>167</sup> Additionally, absence from where you stayed or where you worked was regarded as being against *Angkar*. In reality, each family had very little time to meet each other.<sup>168</sup> Freedom of speech was also limited. It was said that **“If people wanted to live, they had to plant a Kor [dumb] plant”** which was in line with the saying during that time that **“Being able to keep a secret means winning 50 percent.”**<sup>169</sup> With these short sayings, people were always living in fear and shock because their speech might make *Angkar* take them to be educated, tortured, or even killed. The speech included complaints about insufficient food and difficulties with their work.<sup>170</sup> A witness named PRAK Yut, former secretary of Kampong Siem District, said “When there was a project for building of dams in the Southwest, the people could not reject the orders. Otherwise, the people would be taken to be educated.”<sup>171</sup>
76. In order to achieve the goal of *Angkar* in building the country to be strong in the future, the leadership based themselves on socialism, which would be prosperous shortly, under the saying **“the great leap forward.”**<sup>172</sup> That regime implemented some significant policies including the evacuation of people, particular treatment of some special work groups, forcing of people to get married, and purges. Sometimes the word **“enemy”** referred to people who committed little wrongdoings, such as breaking ploughs<sup>173</sup> when they were ploughing rice fields, breaking hoes when they were digging soil,<sup>174</sup> breaking

spoons or plates when they were eating,<sup>175</sup> breaking pots,<sup>176</sup> planting rice not in straight lines, transplanting rice by using wrong seeds,<sup>177</sup> stealing uncooked rice,<sup>178</sup> stealing palm sugar to eat,<sup>179</sup> stealing coconuts to eat,<sup>180</sup> stealing corn,<sup>181</sup> yams,<sup>182</sup> and rice to eat even uncooked,<sup>183</sup> driving cars and pressing the brake for too long,<sup>184</sup> going to work late,<sup>185</sup> criticising *Angkar*,<sup>186</sup> and so on. These actions were regarded as destroying *Angkar* and those people were taken to be killed.<sup>187</sup>

77. People at that time were starving. There was even a saying that “**ghosts eat rice**” because the people who carried dead bodies to be buried did not report that the carried people were dead because the carrying people wanted to get the food rations of the dead to eat to survive.<sup>188</sup>
78. At the Northwest Zone, the upper cadres often placed orders, such as: “If you cannot grow cotton well, the worms will eat the cotton. Then the worms will eat the people too.” Because they were afraid of deaths, the people who worked at the cotton farms tried very hard as they had a terrible fear of death.<sup>189</sup> People who did not do what the upper level ordered them to do were accused of being traitors and were sent to be detained in a “**Case Unit**”, which meant “**The prisoner unit**”.<sup>190</sup> Tortures such as carrying 3 to 3.5 cubic metres of soil were given to prisoners who failed to do their assigned tasks; some of the people were even taken to be killed.<sup>191</sup>
79. The strangest thing was that the owners of crops around their houses could not take the crops to eat because the crops belonged to the cooperative.<sup>192</sup> This action was the root cause that led to a rumour: “**suitable ownership is a small plastic bag**.”<sup>193</sup> In each family, there was no private property. That was the policy that was put into practice from 17 April 1975.<sup>194</sup> The Democratic Kampuchea regime believed that private property<sup>195</sup> belonged to the feudal system that led to corruption<sup>196</sup> and exploitation from the rich over the poor.<sup>197</sup>
80. First, the Democratic Kampuchea regime divided the people into two large groups; the people inside the liberated areas and the people outside the liberated areas.<sup>198</sup> While the Party's policies above were put into practice all over Cambodia, there was a system of monitoring of all forms and at all times. Therefore, the words “**Angkar with pineapple eyes**” were like a means of restricting everything: not only were normal people restricted, but a large number of cadres of the Party were also monitored.<sup>199</sup> When one person was arrested to be taken to be killed, they often said that *Angkar* had given introductions to arrest that person. Everyone had the same questions: “**What is Angkar? Where is Angkar?**”<sup>200</sup>
81. Furthermore, when anyone did not follow the policies of the Party, that person would be regarded as the enemy of *Angkar* or the enemy of the revolution. Also, those who had relatives working in the previous regimes were regarded as people who had bad affiliation.<sup>201</sup> The people who were evacuated after 17 April immediately and arrived at their new places were called by *Angkar* the new people<sup>202</sup> or the 17 April people.<sup>203</sup> For the new people, they were given the status as the “guest people” and they could not hold any position at any level in

the leading hierarchy.<sup>204</sup> In contrast, the existing people in the liberated areas were called the old people<sup>205</sup> or the 18 April people<sup>206</sup>; they were generally called the “local people”.<sup>207</sup> The local people could get the status as “full rights people”. However, sometimes, they could only get the status of being “reserved people” because they had relatives who were, or in communication with, enemies.<sup>208</sup>

## 1.5. EVACUATION

82. About two months before the Khmer Rouge fought to liberate Phnom Penh in February 1975, the Central Party Committee decided on a plan to evacuate people after the Party succeeded and defeated the Khmer Republic regime.<sup>209</sup> The meeting was attended by high-level and important leaders such as POL Pot, NUON Chea, IENG Sary, and KHIEU Samphan, and they decided to evacuate people for the first time.<sup>210</sup> In general, under the leadership of the Democratic Kampuchea regime, people were not allowed to live in the villages where they had been born.<sup>211</sup> People had a duty to show their honesty to *Angkar* through the writing of a summary biography without hiding any true events; because each unit chief had their spy networks, they could find out those people who were intellectuals, those who had worked in the previous regime, those who were policemen or soldiers, and so on. Those people were the target of arrests and they were taken to be killed.<sup>212</sup>
83. A witness who mentioned *Ta Mok's* speech said, “*All people had to be evacuated to countrysides in order to build the economy in the countrysides....The evacuation of people out of the cities has to be done nationwide and the evacuation has to be done within two days.*”<sup>213</sup> As an example: during the leadership of the Democratic Kampuchea regime, they decided to evacuate the people on three major occasions.<sup>214</sup>
84. The first evacuation was done after the liberation on 17 April 1975.<sup>215</sup> The regime decided to evacuate the people based on the arrangement of important military units who were responsible for implementing the plan for the purpose of forcing people to leave their homes. The people had to travel along national roads in all directions, west, east, north, and south, of Phnom Penh and from other towns and cities towards the countryside in Cambodia.<sup>216</sup> The purpose of the decision to evacuate the people was to push the people to participate in agricultural activities to increase the economic growth through a collectivist management style at cooperatives nationwide by focusing on the construction of irrigation systems like blood vessels.<sup>217</sup> The digging to make dams,<sup>218</sup> canals<sup>219</sup>, and water reservoirs<sup>220</sup> was to meet the saying: “**If we have water, we have fish. If we have fish, we have everything.**”<sup>221</sup>
85. These events pushed this sector to participate in farming and cultivating at cooperatives.<sup>222</sup> Additionally, another important purpose to evacuate people out of the cities was used by the high-level leaders during that time as an excuse to strengthen the security of the Democratic Kampuchea regime. By doing that, the regime would be able to identify enemies of the Party, either inside or outside, by focusing on LON Nol soldiers,<sup>223</sup> government officials,<sup>224</sup> the CIA

group,<sup>225</sup> the KGB group,<sup>226</sup> the Yuon enemy embedded inside *Angkar*,<sup>227</sup> and other groups who were regarded as enemies of the Party. They did that in order to remove them from the process of leading the country to be sustainably robust.<sup>228</sup>

86. The second stage evacuation took place from September 1975 to 1977. Setting a target relating to the people and the cadres in the Southwest Zone, the majority of people who lived in Kandal Province and Takeo Province were evacuated to the Northwest Zone, especially to Battambang Province and Pursat Province.<sup>229</sup> The implementation of the plan was based on the result of the visit of the members of the Central Committee of the Party to the Northwest Zone during August – September 1975. They found that the Northwest Zone<sup>230</sup> needed an additional 500,000 people because this area consisted of fertilised land and crops. Moreover, the zone could guarantee the feeding of additional new people.<sup>231</sup> As a result, tens of thousands of people were transported by trucks and boats towards various targets in the Northwest Zone.<sup>232</sup>
87. The last evacuation was done from late 1977 to 1978,<sup>233</sup> by sending the people and targetted enemies in Prey Veng Province and Svay Rieng Province in the East Zone to live in the Northwest Zone.<sup>234</sup> Immediately after the people arrived in the Northwest Zone, they were required to make their biographies in order for them to be divided to stay in cooperatives and work at various work sites. In the meantime, some people were sent to be detained at the security office and some people were taken to be killed immediately.<sup>235</sup> The division was based on the result of a meeting in Pursat Province with important components participating in the meeting (*Ta Mok*, the Southwest Zone Secretary, and who was on Northwest Zone Committee; Sarunin, in charge of Sector 105 Committee; Rim, in charge of the District Committee; and a number of other people) decided to divide the people who arrived at the Northwest Zone and they instructed the local people to be careful with the newly arriving people because some people had been checked in Phnom Penh and it was found that some had guns with them.<sup>236</sup>

## 1.6. THE POLICY OF FORCED MARRIAGES

88. Forced marriages were carried out all over the country. The Khmer Rouge forced people to get married in order to achieve the protection of the social revolution.<sup>237</sup> *Angkar* required males and females who had the same political status to get married. Soldiers were especially encouraged<sup>238</sup> to get married through public and official statements of POL Pot.<sup>239</sup> Many witnesses testified that those who were forced to get married did not dare to complain.<sup>240</sup>
89. The encouragement of the people to be get married was to achieve reproduction in the future. One witness mentioned the policy of the Party as follows: “*They planned to create new forces or new people of up to 15,000,000 to 20,000,000 people within 15 to 20 years.*”<sup>241</sup> Additionally, they did that in order to take advantage of the political situation to control individuals and the economy by leaving parents working at WSS and old people were required by *Angkar* to take care of children.<sup>242</sup>

90. Even if the parents on both sides agreed with a marriage between two people, the two people would be regarded as committing a moral offence and would be taken to be killed if *Angkar* did not know of their marriage.<sup>243</sup> The words “**moral offence**” at that time meant having love affairs, betraying a husband or wife, sexual harassment, or having sex with someone who was not that person's spouse, even if the sexual partner agreed.<sup>244</sup> One witness mentioned that “A man and a woman who loved each other without *Angkar's* knowing would be taken away.”<sup>245</sup> Men who refused to get married two times were mostly taken to be tortured for being “**a forever bachelor**”.<sup>246</sup> Regarding moral offences, if a man raped a woman who did not agree to have sex with him, only the man was taken to be killed. If both man and woman, who were not a couple, agreed to have sex with each other, both the man and the woman would be taken to be killed.<sup>247</sup>

### 1.7. KILLINGS

91. **The policy of purification (screening or purging)** inside and outside the Party, established before 1975 for the purpose of destroying the structure of the previous regimes, focused on the groups whom the Party thought to be feudalist and capitalist classes.<sup>248</sup> Article 10 of the Democratic Kampuchea regime constitution states that “*The systematically opposing and destructive activities, which may cause danger to the state and the people, will be punished to the maximum level. For crimes besides the above, the people who committed the crime were educated under the framework of the state of Angkar or under the framework of the people of Angkar.*”<sup>249</sup>
92. In general, everything was complicated and difficult to understand at all levels. The general policies of the Party seemed to be extremely leftist, under the stance of following extreme strictness in relation to independence and, ownership.<sup>250</sup> Through the decision by the Central Committee of the Party in 1976, the purge policy was issued relating to the right to smash enemies inside and outside the Party. The policy clearly stated that “*For the base level, the zone permanent members will decide; for the offices at the Central zone, the committee of the Central office will decide; for the independent sectors, the permanent members of the central will decide; for the central army, the General Staff will decide.*”<sup>251</sup> In the meantime, the former S-21 Chief, KAING Guek Eav alias Duch explained the decision-making process in 1976 as follows “*The decision makers at the base level were not only the permanent committee of the zone. The zone secretary had the right to decide who was to be smashed and who was not to be. If the zone secretary decided to let someone live, that person could live. The power was in the hands of the zone secretary.*”<sup>252</sup>
93. As an example, all secretaries in the autonomous zones and sectors had the right to manage the army and militia in their management areas.<sup>253</sup> After 1979, the Central Committee of the Party issued an instruction to the lower levels that they did not have a right to kill; only the Central Committee of the Party had the right to make a decision on whether someone could be killed.<sup>254</sup> In real practice, the instruction of the Central Committee of the Party may not have been

implemented completely because many people were taken to be killed without reporting to the upper levels.<sup>255</sup>

94. Under the leadership of the Democratic Kampuchea regime, up to 196 security offices nationwide were created for detaining and killing people. During that time, security offices were used as places to strictly educate, rehabilitate, and torture people in order to find their traitorous networks that were against the Party.<sup>256</sup> With the presence of so many security offices, every level of cadres had to strictly implement the policies of the Party, following the bright ways of the Party through the dissemination of the Party's policies which were issued continuously. They also had to join the coordination of arrests and the sending of people based on the orders of the upper level, which was generally known as "*Angkar*".<sup>257</sup> Under a popular saying, which was always used by cadres "**Don't do anything against *Angkar* and the historical wheel.**"<sup>258</sup> What was tragic was that there were a great number of dead bodies that were tied and scattered everywhere nationwide, especially in pits at security offices.<sup>259</sup>
95. When one order was executed on people, virtually all cadres at that time used the word "*Angkar*". They also usually referred to the one who issued the order as "**Upper level**".<sup>260</sup> even when those low-level cadres did not even understand the plan or the political program of the Party in detail.<sup>261</sup> However, if the low levels did not follow them, they would be regarded as "**enemy**" of the Party<sup>262</sup> and would be taken to be killed.<sup>263</sup> In the context of the Democratic Kampuchea regime, when they heard the word "upper level", they had to follow it. Had they refused or not followed orders, they would have been arrested and taken to be killed.<sup>264</sup> In the meantime, if any cadre was brave and criticised the ways of the Party, that cadre would be regarded as an enemy.<sup>265</sup>
96. During that regime, there were "**self-criticism meetings**" in which those who had committed wrongdoings were ordered to speak in public about their mistakes to the participants in the meeting so that the participants could share ideas and those wrongdoers would not make the mistakes again.<sup>266</sup> Additionally, there were regular Party livelihood meetings because "***If there are regular meetings, we will prosper, and prosper quickly. We will prosper and prosper.***"<sup>267</sup> Through those meetings, the Party propagandised to strengthen the Party's policies to the people so that they would try to work hard and avoid betraying the Party and *Angkar*; otherwise, that person would be "sentenced by history."<sup>268</sup> When *Angkar* decided to take someone to be educated but did not succeed, that person would be sent to be re-educated and rehabilitated; those words meant that that person would be taken to be killed. They used the words: "***There was no gain to keeping them and no loss in removing them.***"<sup>269</sup>
97. Having heard that, it seemed that the Democratic Kampuchea regime was following a true democratic way. Actually, it was completely contrary to a democratic leadership style. On the other hand, even if they had a proper policy, they would have taken care of the people in terms of mental health. They issued "**mental policies**" to be implemented regularly. Actually, the mental policies were only words- it didn't implement any plan.<sup>270</sup>

98. Base leaders at that time often created cheating policies in order to take people to be killed. Some people were even cheated by their propaganda; those people told the Khmer Rouge all their truths about what they had done in the previous regime; those people were those who had been government officials, high ranking soldiers, captains, or majors. etc. Having uncovered the truth, the Khmer Rouge would take those people to be killed.<sup>271</sup> The most noticeable thing was that when someone was called to meet *Angkar*, almost all “*were taken away and never returned.*”<sup>272</sup> Anyone who sang a foreign song would be taken to be killed immediately.<sup>273</sup> In general, dancing and singing were banned all over the country, except for the broadcast of “**revolutionary songs**” via radio. “**The voice of the Democratic Kampuchea regime**” was played over loud speakers at work sites and cooperatives.<sup>274</sup> Those who secretly listened to foreign language radio broadcasts were also taken to be killed.<sup>275</sup>
99. Moreover, there were killings of people through the implementation of the policy of purification. The people and the cadres who were regarded as enemies or who did not comply with the orders of *Angkar* were also killed.<sup>276</sup> At that time, there was no loosening in the implementation of rules for anyone did not comply with their policies. Cadres at any level, such as HOU Yun,<sup>277</sup> HOU Nim,<sup>278</sup> VORN Vet,<sup>279</sup> KOY Thuon,<sup>280</sup> RUOS Nhim,<sup>281</sup> and SAO Phim,<sup>282</sup> could be penalised.
100. In fact, during their control for the period of three years, eight months, and 20 days, at least 60 high-level cadres of the Democratic Kampuchea regime were arrested and killed at the S-21 Security Office.<sup>283</sup> Even when the Democratic Kampuchea regime was about to collapse, killings continued. For the policies that had been issued, only two or three top leaders could explain them.<sup>284</sup> Furthermore, even hoes used to dig soil or bamboo trunks were used as weapons to kill people.<sup>285</sup> A total of about 1,700,000 people<sup>286</sup> were killed and died of starvation<sup>287</sup>, disease<sup>288</sup> and overwork.<sup>289</sup> With such a high rate, when the regime collapsed, skulls and dead bodies were found almost nationwide, especially at the compounds of security offices and other places where people were killed.<sup>290</sup> All of the killings at that time were executed outside the court system.<sup>291</sup> The implementation of the policy of the Communist Party of Cambodia above show that people faced a lot of difficulties, especially in regards to the lack of nutrients and widespread diseases.<sup>292</sup>

### 1.8. WELFARE

101. The people's welfare at that time was not considered because the majority of the medical staff were not knowledgeable and did not have skill in medical treatment. They were randomly selected.<sup>293</sup> One witness said, “*Doctors were not knowledgeable, neither did they have experience. Some were illiterate!*”<sup>294</sup> Moreover, at that time, there was no medicine. What they called medicine at that time was coconut juice or medicine put in Pepsi bottles covered with plastic bags tied with rubber bands in order to inject patients. Some people died immediately after needles were removed from them. Some recovered from their diseases. Few patients got better.<sup>295</sup>

102. One witness said, “*No matter what disease patients had, all patients received the same medicine.*”<sup>296</sup> When people got sick, there was no service from health centres, hospitals, and professional doctors. Medicines were insufficient. Sometimes, patients got worse and most of the time, patients died.<sup>297</sup>

### 1.9. WEIRD POLICIES

103. In general, the selection of local leaders including for cooperatives, communes, militia, and other positions was done by choosing only people who were not knowledgeable and those who had anger towards class division because they had been in the poor class in the previous regime. *Angkar* provided mental education to people nationwide to make it easy to implement their policies. They had a saying: “those feudalists, capitalists, and suppressing classes are the enemies.” These words were in line with the implementation of “**enemies burrowing inside**”, “**There is no gain to keeping them and no loss to removing them.**” “**Smash the enemies.**”, and so on. Moreover, we can see that the first struggle movement was joined by many intellectuals, but after the victory on 17 April 1975, those intellectuals who joined the struggle were killed one after another because they did not agree with the policies of the Democratic Kampuchea regime.
104. In short, the leading policy of the high-level leaders during the Democratic Kampuchea regime was to create a monitoring mechanism to put pressure on the low-level leaders through straight lines. That created a system where people did not trust each other. People spied on each other. They hid things from each other. They used the words: “*Angkar* has pineapple eyes; enemies burrowing from inside; CIA groups, KGB groups, enemies; there is no gain to keeping them and no loss to removing them” to hide their system of monitoring people. When *Angkar* called people to be educated, it meant those people would be killed.
105. All of the facts above were clear and publically known. In short, Cambodian people who are from the age of 50 years old now (**up to 2019**) and who lived in that regime knew and saw these events without having need of further evidence to prove them. Having gone through such terrible sadness, a witness stated, “*I request the younger generations and intellectuals to integrate, to love each other and our land, to forgive each other, and not to argue with each other so that our country may be peaceful and have everything.*”<sup>298</sup>
106. The practice and the forms of management during the Democratic Kampuchea regime were different from what happened in Yugoslav, Rwanda, Sierra Leone, where international criminal courts, like the ECCC, were established. The Democratic Kampuchea regime was a regime that practised a leadership style that reflected the policy of suppression at the national level. The practice was done nationwide in the form of collectivism, and cadres at all levels had to respect and follow orders.<sup>299</sup>
107. In reality, the word “**enemy**” or “**revolutionary enemy**” was so very broad that it also covered innocent people. Before being killed at Phnum Troyoung Security Office, a female prisoner shouted “*Go to die, the Revolution. I don't*

have any regrets.”<sup>300</sup> That was different from the racial conflict between the Hutus and the Tutsi, which caused the genocide in Rwanda.<sup>301</sup> What happened in the Democratic Kampuchea regime was also different from the genocide by the nationalist Serbs who were led by the former president Slobodan Milosevic towards the Croatian people and the Bosnian people.<sup>302</sup>

## 2. ADMINISTRATIVE STRUCTURE OF THE PARTY CENTRE

### 2.1. CPK CENTRAL COMMITTEE

108. The CPK was established prior to the DK regime, holding power from 1975 to 1979.<sup>303</sup> The DK regime was a communist-led regime in which the Party led the state. This means that all management mechanisms had to be completely in line with the CPK policies.<sup>304</sup> CPK policies aimed to sweep clean feudalist classes and intellectuals among others who were considered as enemies and they were accused of having exploited and oppressed workers and peasants.<sup>305</sup> Thus, the CPK laid out policies to take revenge against those people.<sup>306</sup>
109. The Central Committee of the CPK was the supreme level of the CPK.<sup>307</sup> The term “**Party**” referred to the CPK Central Committee leadership.<sup>308</sup> The Committee had around 30 members<sup>309</sup> and held meetings every six months.<sup>310</sup> In reality, the Committee always invited the zone and sector leaders to the meetings in Phnom Penh participated in by zone leaders and the sector committees, especially when CPK policies were disseminated for implementation.<sup>311</sup>
110. The decision to make arrests at the zone or sector level had to be decided by the Party Central Committee.<sup>312</sup> Witness SEM Hœum stated that, “*Sector chairman level prisoners were major figures. Therefore, the district level could not arrest them. So, the orders had to be from the Centre level, the highest level*”.<sup>313</sup> In principle, those at the zone level did not have the authority to decide on arrests at the sector level; only the Central Committee of the CPK had such authority.<sup>314</sup> Witness SUON Kanil stated that “*If there was no arrest document, he (KE Pauk) dared not make an arrest. I had to follow orders from the upper echelon.*”<sup>315</sup>
111. **YIM Tith** alleged that “in his capacity as the de factor and de jure secretary of zone, which is the most important and strategic zone during the DK regime, **Ta Tith** could have been a member of the CPK Central Committee at the 5<sup>th</sup> Party Congress.<sup>316</sup> In practice, the CPK had around 30 members comprising of full-right members and reserves; mostly they were zone secretaries and deputy-secretaries, members of sector committees, and sector secretaries. However, despite their positions they did not automatically become members of the Central Committee.<sup>317</sup>

### 2.2. CPK STANDING COMMITTEE

112. The CPK Standing Committee played a key role in the day-to-day leadership on behalf of the Central Committee of the CPK, which was the Party’s senior leadership body.<sup>318</sup> There were seven members of the Party Standing

Committee: POL Pot, NUON Chea, SAO Phim, IENG Sary VORN Vet and SON Sen.<sup>319</sup> POL Pot was Party Secretary<sup>320</sup> and NUON Chea was Party Deputy-Secretary.<sup>321</sup>

113. Among those members there were up to five members of the Standing Committee: POL Pot, NUON Chea IENG Sary, VORN Vet and SON Sen, who always worked in Phnom Penh.<sup>322</sup> Former S-21 Security Office Chief KAING Guek Eav alias Duch said that there were four superior echelons of the Party: (1) the Standing Committee, (2) the ex officio members of the Central Committee, (3) the reserve members of the Central Committee, and (4) the Assisting Committee of the Central Committee.<sup>323</sup>
114. The roles and powers of the Permanent Committee of the Party Centre were stated in the CPK statutes - it was responsible for and monitored the implementation of CPK policies.<sup>324</sup> The Permanent Committee of the Party Centre was in charge of all the political matters from one Congress to another.<sup>325</sup> The 1<sup>st</sup> Party Congress was held on 30 September 1960.<sup>326</sup> In 1977, the CPK started holding their Annual National Congress of the Party.<sup>327</sup> The general Party Congress throughout the country was the highest organisation of the Party.<sup>328</sup> The 5<sup>th</sup> Party Congress of the Party Centre was finally held on 02 November 1978 before the collapse of the regime.<sup>329</sup>
115. As a matter of fact, the duties were carried out by the Political Office of the Party Centre - it regularly held meetings on Sundays to resolve domestic and overseas issues.<sup>330</sup> It had six members: POL Pot, NUON Chea, IENG Sary, VORN Vet, SON Sen and KHIEU Samphan.<sup>331</sup> From 1975 to 1979, the Standing Committee held at least 19 meetings.<sup>332</sup>
116. The Standing Committee meetings were mostly held at K-1 and sometimes at K-3.<sup>333</sup> The decision to hold a meeting of the Party Standing Committee was made by Party Secretary POL Pot.<sup>334</sup> The central office of the Standing Committee of the Central Committee of the CPK was known as “**Office 870**”.<sup>335</sup>
117. Former S-21 Security Office Chief KAING Guek Eav alias Duch said that the Standing Committee was the most important organ of the Party.<sup>336</sup> In addition, it oversaw all policies of the Party and the government including internal and external security issues<sup>337</sup> as well as several important areas including agriculture, health and social affairs, etc.<sup>338</sup> The Party Standing Committee led discussions on issues arising from worksites, interrogation arrests and general living conditions throughout the country, and had the power to order immediate execution.<sup>339</sup>

### 2.3. OTHER ORGANS

118. The DK Constitution was adopted on 14 December 1975 by the 3<sup>rd</sup> National Congress and was promulgated on 05 January 1976.<sup>340</sup> The constitution referred to the judiciary as the “**Judicial Committee**” which was elected and appointed by the Kampuchean People's Representative Assembly.<sup>341</sup> This Committee is the people's court, representing people's justice, defending people's justice and

democratic rights and freedom and condemning any activities directed against the people's State or violating the laws of the State of workers and peasants and the Kampuchean Revolutionary Army;<sup>342</sup> however, in reality the Judicial Committee did not function during the DK period.<sup>343</sup>

119. Two other supreme organs which had legislative power were “**the Kampuchean People's Representative Assembly**”, and the executive power known as “**the Government of the DK regime**”.<sup>344</sup> During that regime, the DK Government was the executive body responsible for executing the laws and political lines of the Kampuchean People's Representative Assembly and responsible before the Kampuchean People's Representative Assembly.<sup>345</sup> As for legislative power, the DK regime named as the **People's Representative Assembly** comprised of 250 members, who were secretly and directly elected for a five-year term<sup>346</sup> by the Kampuchean people and the Kampuchean Revolutionary Army. Out of the 250 members, 150 members represented peasants, 50 members represented workers and 50 represented the Kampuchean Revolutionary Army.<sup>347</sup>
120. Within its mandate, the Kampuchean People's Representative Assembly was responsible for making laws, passing laws, monitoring law enforcement and defining the political policies of the DK.<sup>348</sup> The Assembly consisted of one Standing Committee and others such as the Economic Committee, the Defence Committee, the Foreign Affairs Committee, and the Socio-Cultural and Health Committee, etc.<sup>349</sup>
121. Article 1 of the Kram on the Determination of the Functioning of the People's Representative Assembly of Kampuchea states that “*Each member of the Kampuchean People's Representative Assembly must continue to stay close to his/ her constituency, sharing their difficulties and happiness, knowing the people's hearts, understanding their requests - that is, remaining close with unions and factories, cooperatives work sites, irrigation systems of his or her unit - and sharing efforts to build and defend the country with the people, workers and farmers, workers, male and female combatants and cadres of the Kampuchean Revolutionary Army in order to balance their status as real representatives of Kampuchean people, farmers, workers and Revolutionary Army.*”<sup>350</sup>
122. Regarding the leadership composition of the People's Representative Assembly, the Central Committee decision dated 30 March 1976 appointed NUON Chea as Chairman of the Standing Committee of the People's Representative Assembly.<sup>351</sup> It was noticed that in 1976, after the adoption of the constitution, the People's Representative Assembly once held a meeting to establish the National Assembly, and it seemed that the DK wanted to show the world that the National Assembly existed under the DK leadership.<sup>352</sup>
123. One witness, who was a member of the People's Representative Assembly, testified that “*As a representative of the people, I did not know what my duties were, did not even know who the Chairman of the Assembly was. I did not know the work of the Assembly.*”<sup>353</sup> Former S-21 Security Office Chief KAING Guek

Eav *alias* Duch said that “*Cambodia had a merely symbolic People's Representative Assembly.*”<sup>354</sup>

124. The Kampuchean People's Representative Assembly seemed to have no real power since everything was under the control of the Party.<sup>355</sup> The regular duties of the Assembly were to transmit congratulatory messages to friendly countries who had diplomatic relations with the DK and to receive foreign delegations visiting Kampuchea.<sup>356</sup>
125. Proving the absence of the power of the People's Representative Assembly was that this body did not work on any draft laws or hold any sessions to pass any laws<sup>357</sup> although the DK Constitution clearly states that the Kampuchean People's Representative Assembly is responsible for making laws,<sup>358</sup> passing laws,<sup>359</sup> monitoring law enforcement and defining political policies of the DK.<sup>360</sup>

#### 2.4. COMMAND STRUCTURE

126. When there was a decision from the Central Committee or Standing Committee, the mechanism of dissemination was implemented by zone secretaries and autonomous sector secretaries whose roles were to disseminate policies and instructions decided by the top echelons to sector secretaries and district secretaries.<sup>361</sup>
127. Regarding report-back mechanisms, all communes had to report to district committees, and district committees reported to sector committees. The sector committees had to report to zone committees. The statutes of the CPK also stated that, “*The highest body at each zone is the zone committee.*”<sup>362</sup>

### 3. THE PURGE POLICIES IN THE NORTHWEST ZONE

128. The CPK policy to purge, screen<sup>363</sup> and purify<sup>364</sup> were implemented by the Party<sup>365</sup> throughout the country<sup>366</sup> from early 1977.<sup>367</sup> Former S-21 Security Office Chief KAING Guek Eav *alias* Duch said that, “*The decision dated 30 March 1976 on the authority to smash inside and outside cadres was a role delegation to smash cadres. It was a document that the management asked to keep confidential. It was perhaps kept for the **Standing Committee** only.*”<sup>368</sup> Duch asserted that, “*The Party Centre's decision dated 30 March 1976 to purge both inside and outside cadres, was a key to ensure the Party, the army and the people were clean, and internal purge was the heart of this.*”<sup>369</sup> Duch described it as “*a historical document, which shows a turning point because it reveals the beginning of the internal purges.*”<sup>370</sup> Similarly, a witness who worked at the Zone Office read a document that was distributed to the Party members which stated that: we had to purge enemies who were hidden in the revolution and the CPK throughout the country.<sup>371</sup> In fact, the purge of enemies hidden in the revolution and the CPK was raised for discussion since the establishment of the revolution.<sup>372</sup>
129. The purge policy of the CPK was implemented from the upper level to lower level<sup>373</sup> by *Angkar*: “**Do whatever it takes to clean all traitors in the rank.**”<sup>374</sup>

Witness KHIEU En said that, *“There were Party members and Youth League members who came together through a connection. When that connection was arrested, they would also be arrested.”*<sup>375</sup> Previously, former S-21 Chairman KAINING Guek Eav *alias* Duch explained the term **“purge”**, to mean **“remove the enemies from our ranks, the army, the people, so that our ranks, the army, and the people are clean.”**<sup>376</sup> Duch also added that *the internal Party's purges and the purges among the people, the crimes against humanity, were the task of all of us. Each of us had to fulfil it according to our roles and responsibilities.*<sup>377</sup>

130. In this context, the waves of arrests coincided with the rise of the radical left in the Central Committee of the CPK. Obviously, **“VORN Vet”**, who was Deputy Prime Minister in charge of the economy, was arrested.<sup>378</sup> Former President of the State Presidium, KHIEU Samphan *alias* Hem, said, *“He (VORN Vet) was arrested because he was one of the Vietminh bodies hidden in the CPK. Similarly, SAO Phim was arrested for the same reason.”*<sup>379</sup> In relation to the implementation of the purge policy, the CPK fully and ambitiously expected that this internal purge policy would help prevent the invasion of foreigners.<sup>380</sup>
131. The purge policy was implemented after POL Pot chaired a meeting about changes in old cadres who were no longer trusted. After that meeting, some cadres went missing.<sup>381</sup> In mid-1977, the purge was first launched in Siem Reap Province, followed by Kampong Thom Province and subsequently throughout the entire Central Zone.<sup>382</sup> It increased substantially in 1978.<sup>383</sup> According to statements by Duch and other witnesses, the purges were subsequently implemented from the North Zone to the West Zone, then to the Northwest Zone and the East Zone where the people were accused of being traitors.<sup>384</sup> Duch said that in April 1978, there were subsequent arrests including the West Zone Secretary named CHOU Chet *alias* Sy, then ROS Nhim and KONG Sophal *alias* Keu, who were the Northwest Zone Secretary and Deputy Secretary.<sup>385</sup>
132. In the context of internal and external purges of the ranks, Duch asserted that *Ta Mok*, who was Party Third Secretary and Southwest Zone Secretary, was appointed as West Zone and Sector 801 Secretary.<sup>386</sup> The contents of the decision dated 30 March 1976 also clearly stated that, for purges at zone level, if in the base framework, these **“[had] to be decided by the Zone Standing Committee.”**<sup>387</sup>
133. The purge in the Northwest Zone seemingly started in 1976<sup>388</sup> or in January 1977,<sup>389</sup> when the zone cadres took control of the zone.<sup>390</sup> At this time ROS Nhim was the Zone Secretary,<sup>391</sup> and he continued to be so until the Southwest Zone cadres took control.<sup>392</sup> At that time, a meeting was held at the Northwest Zone in which they discussed the purge plan with the participation of the Zone Committee, Sector, District, Commune Chief, Cooperative Chief and Unit Chief.<sup>393</sup> Another witness testified that the West Zone cadres came in mid-1977 to replace and purge the Northwest Zone cadres step-by-step, and later the Southwest Zone cadres arrived and increasingly purged the Northwest Zone cadres in mid-1978.<sup>394</sup> Several witnesses asserted that *Ta Mok* came to control the Northwest Zone in January 1977<sup>395</sup> before ROS Nhim was arrested and he

remained in power until the collapse of the Khmer Rouge regime.<sup>396</sup> In mid-1978, after ROS Nhim was arrested and detained at Tuol Sleng prison, and other senior cadres were removed from their positions, *Ta Mok* officially became the Northwest Zone Secretary.<sup>397</sup>

134. Many witnesses who were sent to the Northwest Zone participated in a meeting prior to their department in Takeo where *Ta Mok* announced that Battambang was a “**newly liberated Sector**”, and the situation there was “**not good**”. Therefore, the zone needed assistance,<sup>398</sup> and *Ta Mok* accused the Northwest Zone people of being traitors.<sup>399</sup> According to the testimonies of many witnesses, the purges in the Northwest Zone were made against the Northwest Zone cadres. There were accusations that “**all the Northwest Zone cadres are traitors**”<sup>400</sup> or they had made an excuse to liberate the Northwest Zone<sup>401</sup> or had the intention to do an uprising,<sup>402</sup> being KGB, CIA agents<sup>403</sup> or Vietnamese spies or being Vietnamese heads and Khmer bodies,<sup>404</sup> or having fought against the Vietnamese,<sup>405</sup> or committed mistakes and not followed *Angkar's* path<sup>406</sup> or accused the Northwest Zone people of having private property and being materialists; they worked in an office without going to the fields<sup>407</sup> or had a slogan saying that the head doesn't connect with the sky and the feet don't connect with the earth,<sup>408</sup> or for the reason that the Northwest Zone lacked cadres.<sup>409</sup>
135. The purges also targeted anyone who was suspected of having relations with Vietnam or Vietnamese spies such as the Khmer Krom people<sup>410</sup> and ordinary people,<sup>411</sup> as well as the old Southwest Zone cadres who came from the Northwest Zone before accusing them of being traitors and not as serious as the dictatorship regime required.<sup>412</sup>
136. At first, ROS Nhim, who was the Northwest Zone Secretary, arrested *Ta Hoeun*, who was Phnom Sampov District Secretary. This happened early in 1978. He accused him of being a CIA agent.<sup>413</sup>
137. In a meeting with the army, *Ta Hab* announced that *Ta Mok*, who was serious with the people, killed the people and the army,<sup>414</sup> was an active person and issued orders; and *Ta Mok* took control of three zones.<sup>415</sup> Witness PICH Chim said that after the purges were conducted in four zones, it was broadcast on the radio that POL Pot had appointed *Ta Mok* as Chief of General Staff controlling over SON Sen who was General Staff.<sup>416</sup> Duch similarly affirmed that POL Pot issued a direct order to appoint *Ta Mok* as the Party Third Secretary and Southwest Zone Secretary, and he then became West Zone Secretary, Northwest Zone Secretary and Sector 801 Secretary,<sup>417</sup> and was also nominated to purge the Northwest Zone cadres and people who were accused of being traitors.<sup>418</sup> In 1977 after a meeting chaired by *Ta Mok* in Veay Bekchan, near the airport in Battambang Province, which was participated in by the Northwest Zone cadres, *Ta Mok* removed the positions of ROS Nhim and *Ta Kao*.<sup>419</sup> A witness confirmed that after *Ta ROS Nhim* was arrested and then detained in Tuol Sleng prison, *Ta Keu* declared in the meeting that **Ta Tith** would become Sector Secretary and thereafter control the Northwest Zone as well.<sup>420</sup> Having heard only two senior persons named *Ta Mok* and **Ta Tith**, another witness concluded

that **Ta Tith** was the Northwest Zone Deputy Secretary.<sup>421</sup> Witness LIM Tim attended a general assembly in Battambang University participated in by only bodyguards and the military where it was announced that **Ta Tith** was the Zone Chief.<sup>422</sup>

138. Instead, only one witness testified with confusion in front of the Office of Co-Prosecutors that **Ta Tith** came to replace *Ta Pet* at the zone level after the Northwest Zone and sector cadres were purged<sup>423</sup> and that **Ta Tith** announced himself that he was the new Northwest Zone Chief during the last meeting held in 1978 and that *Ta Net* was no longer the chief.<sup>424</sup>
139. In order to implement the purge policy internally and outside the Party effectively, following the decision made by the Party Centre and POL Pot's order in early 1976 and until 1978, *Ta Mok*, who was Southwest Zone Secretary,<sup>425</sup> sent many cadres groups from the Southwest Zone to replace base cadres within the administrative structure of the Northwest Zone.<sup>426</sup> The meetings were held in 1976,<sup>427</sup> 1977<sup>428</sup> and 1978.<sup>429</sup> *Ta Mok* and other senior cadres appointed the Southwest Zone cadres to take positions and to go to various places when they arrived in the Northwest Zone.<sup>430</sup>
140. Regarding the plan to send people and cadres to the Northwest Zone, many witnesses did not indicate the participation of *Ta Tith* but instead indicated *Ta Mok*.<sup>431</sup> *Ta Mok* sent Southwest Zone cadres to the Northwest Zone three times.<sup>432</sup> It first happened in 1976 when a small group of Southwest Zone cadres were sent to the Northwest Zone. They were sent to work with them, not to replace or manage them.<sup>433</sup> The second sending was in 1977 and early 1978 when *Ta Mok* sent the Southwest Zone cadres and their families to arrest and replace the Northwest Zone at commune, cooperative and district levels.<sup>434</sup> The third sending was in mid-1978. At that time, the Southwest Zone group came to replace the Northwest Zone senior cadres by purging the Northwest Zone cadres at sector and zone levels. They also replaced the cadres at the lower level of district and commune levels who had worked under the zone and sector cadres before the purge started.<sup>435</sup> Other testimonies showed that *Ta Mok* denied the request to kill people in an event took place from 7 to 10 a.m. in 1978 in Toustouk Village in which *Ta Loeuk* and *Yeay Chan*, who were so cruel, and assisted with guarding the army carrying weapons and bombs, wanted to kill the 1,400 people assembled using bombs.<sup>436</sup> Out of 1,400 people, *Ta Mok* suspected there were about 300 Vietnamese spies or persons whom he considered having Vietnamese heads and Khmer bodies.<sup>437</sup>
141. The order to complete the purges came from the zone level to the sector level, and then from the sector level to the district level.<sup>438</sup> Witness HEM Moeun, who was a soldier and relative of *Ta Mok* working closely with *Ta Mok* in the Northwest Zone, said that before his army division was sent to Battambang in 1978, *Ta Mok* ordered them to “**purge the Northwest Zone.**”<sup>439</sup> In this purge campaign, the civilian cadres did not have the right to kill people;<sup>440</sup> it was the military who had those rights. Another witness testified that in mid-1977, the West Zone cadres came to replace and purge the Northwest Zone cadres

incrementally, and then the Southwest Zone cadres increasingly came to purge the Northwest Zone cadres in mid-1978.<sup>441</sup>

142. The purge was not announced because it was confidential.<sup>442</sup> In early 1978 SEK Sam Ath, who was sent to be a Bakan District Committee member following Ren's strict orders, did not know about the plan to purge the Northwest Zone cadres.<sup>443</sup> In addition, the witness said that *Ta Nhan* had a list of people to be arrested. He accused the people in the Northwest and West Zones of cooperating with the Vietnamese army.<sup>444</sup>
143. Upon the arrival of the Southwest Zone cadres, the arrests were ongoing and became more serious. The purges targeted from the lower level to the upper level, i.e. from the levels of villages, communes or cooperatives, districts, sectors right up to the zone level.<sup>445</sup>
144. By having the group and military appointed to immediately replace them,<sup>446</sup> the Southwest Zone group arrested the Northwest Zone army and cadres even during the meetings and took them to be detained in security offices in the Northwest Zone and at S-21 in Phnom Penh. They were removed from their positions and appointed to work at work sites in the Northwest Zone in order to "refashion" them.<sup>447</sup> Some were brought to be killed or disappeared after re-education. According to the S-21 prisoner list, there were 346 civilians and cadres from the Northwest Zone, of which 75 were military, 86 were zone civilians, 76 were sector people, 36 were district people and 73 were old and new people. They were arrested, detained, interrogated and killed at S-21.<sup>448</sup>
145. *Ta Mok* confiscated all weapons from the districts and sectors because the people there wanted to engage in an uprising.<sup>449</sup> Witnesses who were cadres who lived near the zone testified that upon *Ta Mok's* arrival in the Northwest Zone, many Northwest Zone cadres and military were arrested, detained, and killed, and some others were transferred to be detained at Tuol Sleng prison.<sup>450</sup> Senior zone and sector cadres were not arrested; they were ordered to be re-educated.<sup>451</sup>
146. Obviously, at the zone level, ROS Nhim was the Zone Secretary<sup>452</sup> from July 1978 until he was arrested and transferred to be detained at Tuol Sleng prison in mid-1978. *Ta Mok* then officially became the Northwest Zone Secretary.<sup>453</sup> *Ta Keu* was Zone 2 Deputy Secretary, *Ta Pet* was Zone 3 Deputy Secretary; after the arrest of *Ta Keu* in 1977, then *Ta Pet* became the Zone 2 Deputy Secretary until the end of 1977.<sup>454</sup> *Ta Say*, who sat on the Zone Office Committee and was Sector 1 Secretary from the start until the end of 1975, was accused of being a traitor and thereafter arrested.<sup>455</sup> A zone cadre named *Ta Him* was also purged.<sup>456</sup> According to the S-21 prisoner list of September 1977, cadres working at offices and ministries in the Northwest Zone who were arrested to be detained at S-21 were as follows: SUN Tim, zone mobile unit regiment member; BOU Vim, Battalion 54 unit composition Member; KEO Kann *alias* Doeun, zone telecommunications Chief; NOB Soeun, zone commerce rice mill Chief; KHUON Kaeng, zone petroleum warehouse Chief; PHACH Phuoy *alisa* Poch, zone rice mill Chief in Monkul Borei; HOY Touch *alias* Tha, zone rice

analyst; POV Net, zone veterinarian combatant; KEB Sophon, zone art combatant; EM Morn, zone commerce Chief;<sup>457</sup> HAM Chhi *alias* Hoeum, zone mobile unit Chief;<sup>458</sup> NHIM Seth, zone agriculture Chief; TON Yeng, zone commercial transport Chief and CHHOEUN Sa Ngoeun, zone blacksmith group Chief.<sup>459</sup> During 1978, cadres from Sector 4 were arrested and brought to be interrogated at S-21. They included: UN Sam Eang, Zone rice mill Chief, LEAY Khuong, Zone Commerce Deputy Chief; LIM Na, Zone Commerce Deputy Chief; OCH Ros, Zone Telecommunications Chief; VEN Vean, Zone Medical Technology P-3 Chief; KHY Korn, Zone Security Deputy Chief; OEUM Thuom, Zone Security Unit - M-32 Chief; MA Oum Srey, Battalion 454 Zone Secretary; CHHIM Seap, Battalion 454 Zone Deputy Secretary; EAM Van, Zone Medical Committee P-1 member; MUONG Doeu *alias* Lim, Monkul Borei iron ring factory Chief;<sup>460</sup> POUK Eng *alias* Phann, Battalion 86, Zone Arsenal member;<sup>461</sup> YUN Peng Seng *alias* Sara, Zone tobacco production Deputy Chief;<sup>462</sup> KONG Sorn, Zone commerce member;<sup>463</sup> MON San *alias* Thong, Zone Hospital Chief;<sup>464</sup> OUK Chhat *alias* Ry, Zone Hospital P-2 Chief;<sup>465</sup> CHEA Pheav *alias* Kory, Zone Security Deputy Chief;<sup>466</sup> and CHHIN Khorn, Zone Security Deputy Chief.<sup>467</sup>

147. Other senior civilians and military personnel at the sector and district levels were also purged. In Sector 1, *Ta Saray* who sat on the Zone Office Committee and was the Sector 1 Secretary from the start until 1975 was accused of being a traitor and thereafter arrested.<sup>468</sup> CHEA Huon *alias Ta Vanh*, who was the Sector 1 Secretary and Sector Military Commander and Kanhort Dam controller from *Ta Saray Chhnam* in September 1977, was purged, arrested and detained at S-21 under the order issued by the Party Centre on the allegation that he had collected weapons to hide on the east of Thepadin Mountain in order to do an uprising after the announcement that POL Pot was the Party Secretary.<sup>469</sup> Then, *Ta HENG Teav alias Ta Pet* came to replace *Ta Vanh* as the Sector 1 Secretary.<sup>470</sup> After that, when HENG Teav *alias Ta Pet* and his wife were arrested in August 1978 by the Southwest Zone and transferred to break rocks and cut bamboo trees in Kampong Speu Province following *Ta Mok's* order,<sup>471</sup> *Ta Tith* came to replace *Ta Pet* on the Sector 1 Committee, and as Zone Assistant<sup>472</sup> three days after the arrival of the Vietnamese.<sup>473</sup> In Kas Krolor District, senior and lower cadres were arrested at Kas Krolor Security Office; some cadres survived.<sup>474</sup> The Southwest Zone conducted purges by arresting family members and killing the base people, and the Northwest Zone cadres in Sector 1, including their family members, especially the cadres at commune and district levels.<sup>475</sup> Many cadres of Sector 1 were arrested and detained at S-21 in 1977. They included the following: UY Ol *alias Thoeum*, Sector Office Chief; KOY Sam, Zone Commerce Chief; ROS Kchuong *alias Van*, Sangkae District cotton plantation Assistant; SO Youm *alias Roth*, Zone cotton plantation combatant<sup>476</sup> and OEUN Leng, Kors Krolor District Deputy Secretary.<sup>477</sup>
148. The Sector 2 Commander named *Ta Nov* was purged in 1977 and was later replaced by Kan who came from the Southwest Zone.<sup>478</sup> Before SEK Sam Ath arrived in Bakan District, *Ta Ven* was the Bakan District Secretary, and *Yeay Yann* was the District Deputy Secretary, later Ven, and then replaced by Peng.<sup>479</sup> Between 1977 and 1978, many cadres were arrested and detained for

interrogation at S-21. They were as follows: SREY Sam Oeun or SREY Oeum, Sector 2 Secretary;<sup>480</sup> IM Chhav, Battalion 350 Zone Secretary;<sup>481</sup> Ms. LAV Kiev *alias* Khim, Pursat Hospital Chief; wife of Vanh, who was Sector 1 Secretary;<sup>482</sup> OUNG Chin *alias* Chol or Phal, assistant to Kdat District Assistant;<sup>483</sup> HONG Em *alias* Em or Im, Krokor District Office Assistant,<sup>484</sup> CHEA Oeun, Krokor District Deputy Secretary<sup>485</sup> and OUCH Phon, Mong Russei District Secretary.<sup>486</sup>

149. In Sector 3, *Ta* Chham came to replace *Ta* Hoeun, *Ta* Chheng and *Ta* Mon were on Sampov Meas District Committee;<sup>487</sup> then *Ta* Chham, who sat on the Sampov Meas District Committee, disappeared and was replaced by *Ta* Mao who came from the Southwest Zone.<sup>488</sup> Many Sector 3 cadres were arrested and sent to S-21 between 1977 and 1978. They were as follows: RIN Chet *alias* Kou, Sector Deputy Secretary;<sup>489</sup> CHHENG Chhorn, Bavel District Secretary;<sup>490</sup> RITH Norl, Ampil District Secretary;<sup>491</sup> VEN Moek, Sector 3 Regiment Secretary;<sup>492</sup> HAN Chorn *alias* Yun, Sector 3 Hospital Chief;<sup>493</sup> SVAY Oeut, Poi Pet District Secretary,<sup>494</sup> PHE Lob, commerce Deputy Chief, and SVAY Oeut, Poi Pet District Secretary, etc.<sup>495</sup>
150. In Sector 4, many cadres at the sector and district levels were arrested and detained at S-21 between 1977 and 1978. There were as follows: MINH Thoeum *alias* Heang, the Sector Secretary;<sup>496</sup> KHEK Pin *alias* Ta Sou, Sector Secretary; SUN Kun *alias* Suy, Sector Deputy Secretary; TOUCH Mouch, Sector member; SENG Simoeun *alias* Thol, Sector Office member; SUY Khoeun, responsible for the iron ring factory at Daunteav District; YOY Chhom responsible for statistics at Dauntry District; CHHUNG Pha responsible for statistics at Daunteav District; THANG Rath responsible for statistics at Daunteav District; LEAT Leanhour responsible for dike system statistics at Daunteav District; Chhuon Nhoi, Sector messenger; EM Sim, Daunteav District Deputy Secretary;<sup>497</sup> MAK Vay, Dauntry District Deputy Secretary; CHHIM Chorn, Daunteav District Deputy Secretary; SREY Chham, battalion sector military Secretary;<sup>498</sup> KHONG In, Sector Office Chief<sup>499</sup> and RAO Han, Sector 4 commerce member, etc.<sup>500</sup>
151. As for Sector 5, the Southwest Zone cadres came to replace the Northwest Zone cadres, and they were accused of being traitors and thereafter were arrested and killed. Hoeung, the Secretary of Sector 5, and *Ta* Cheal sat on the Preh Netpreah District Committee; ORN Moug and Sam Ath, Commune Committee and District Committee members, were arrested (Sector 5).<sup>501</sup> Many cadres of Sector 5 and at district level were arrested and detained at S-21 between 1977 and 1978. They were as follows: NEN Tuy *alias* Phy, of Battalion 513 Sector Secretary; SOEU Sanhonn, Sector Company Secretary; MEN Chun *alias* Hing, Sector 5 Secretary; KHIM Huot, Thma Pouk District Secretary, SUON Sorn, Serei Sophorn District Secretary; VEN Ruth, Svay Sisophon District member; Smoth Smorn, Phnom Sruoch Commerce Chief; KUY Koeun, Sector Hospital Chief; LEOM Lom, Sector Agriculture Chief; SVAY Sien *alias* Hong, Sector Art Chief; MAK Loeng *alias* Ngeat, Preah Netpreah District mobile unit Chief; LOAK Chhot, Sector commerce assistant; YAV Yeuy, Serei Sophorn District mobile unit Assistant; MEN Chou, Sector cotton plantation Assistant; ROEUT

- Out, Sector Economy Deputy Chief;<sup>502</sup> HEM Moeun responsible for the land registration list of the Sector;<sup>503</sup> Saran, Sector commerce; CHHAM Chhat, Pouk District Secretary; SANN Leng, cotton plantation Chief; CHOY Kheam, Sector commerce member;<sup>504</sup> HENG Rin *alias* Mey, Sector 5 Assistant and his wife named SO Rang<sup>505</sup>; CHHOEUN Vat, Sector worksite member<sup>506</sup>; NGAN Yem *alias* Hat, Phnom Srok District Secretary;<sup>507</sup> DIM Saroeun *alias* Men, Sector Hospital Deputy Chief<sup>508</sup> and SAB Thi *alias* Thaong, Phnom Srok District member, etc.<sup>509</sup>
152. In Sector 7, KE Kimhuot *alias* Sot, the Secretary and OUM Toy, the Deputy Secretary, were arrested and detained for interrogation at S-21.<sup>510</sup> Later, *Ta* Try came and replaced *Ta* Sot until the liberation in 1979.<sup>511</sup>
153. As for ***Ta Tith***, there were witnesses that testified that he had been to Kanghort dam and chaired a meeting with military guards about searching for Yuon enemies or those who had joined the Vietnamese in order to prevent them from attacking him; and he announced: please do not join the Yuon, instead unite with the Southwest Zone.<sup>512</sup> As a consequence, those who spoke Vietnamese or had blood relations with the Vietnamese were arrested and killed.<sup>513</sup>
154. It should be noted that the uprising movement and the resistance against the Vietnamese became stronger during the period from the second quarter until the end of the regime in 1978 when ***Ta Tith*** was there.<sup>514</sup> A witness named RY Phann testified that in a meeting participated in by *Ta* Pet also, *Ta* Tith encouraged attendees to fight the Vietnamese army and the Free Khmer movement who were destroying the internal structure.<sup>515</sup>
155. Thus, when ***Ta Tith*** arrived at the Northwest Zone, the purge policy had already been implemented and crime sites also existed. Roles and official powers of ***Ta Tith*** at the Northwest Zone should be looked upon in the context of at least the socio-economic aspect; the purge policy that was issued by the CPK for implementing in order to build and protect the socialist revolution, especially in relation to the forced transfers of general people throughout the country; the economy at the Northwest Zone and the transfer to the Northwest Zone (including from the Southwest Zone to the Northwest Zone), and the purges that had already occurred before ***Ta Tith*** arrived.
156. There were many consequences as a result of the implementation of the purge policy. Witness CHOUK Rin, a former cadre, said, “the reasons for the breakage were POL Pot's policies and the principles of the CPK which were known as the great leap forward; this eventually led to such a breakage.”<sup>516</sup> The purges led to an internal breakage of the CPK as some Khmer Rouge cadres fled to Vietnam and the others went into the jungle.<sup>517</sup> Facing these consequences that resulted from the implementation of purge policies, the Khmer Rouge cadres put the blame on POL Pot.<sup>518</sup>
157. During and after the purges, *Ta* Mok and other senior cadres appointed the Southwest Zone cadres to take positions and go to other places when they arrived at the Northwest Zone.<sup>519</sup> Many witnesses testified that *Ta* Mok selected people close to him to lead the Southwest Zone cadres to go to the Northwest

Zone.<sup>520</sup> The Northwest Zone cadres were worried about their personal security.<sup>521</sup>

#### 4. ADMINISTRATIVE STRUCTURE AT BASE AND ZONE LEVELS

158. The DK regime had six zones:<sup>522</sup> the Southwest Zone,<sup>523</sup> the West Zone,<sup>524</sup> the Northwest Zone,<sup>525</sup> the Central Zone<sup>526</sup> (former the North Zone)<sup>527</sup>, the Northeast Zone<sup>528</sup> and the East Zone<sup>529</sup>. In addition, there were some autonomous sectors:<sup>530</sup> Kampong Som<sup>531</sup>, Mondulkiri (Sector 105)<sup>532</sup>, Preah Vihear (Sector 103)<sup>533</sup>, and Kratie (Sector 505)<sup>534</sup>. The administrative structure was a top-down hierarchy which included<sup>535</sup>: zones<sup>536</sup>, sectors<sup>537</sup>, districts<sup>538</sup>, communes<sup>539</sup>, villages<sup>540</sup>, cooperatives, groups<sup>541</sup>, and units.<sup>542</sup>
159. At the zone level, the Zone Congress was the highest organisation.<sup>543</sup> Each zone was led by a zone secretary,<sup>544</sup> a zone deputy secretary,<sup>545</sup> and members of the zone committee<sup>546</sup>. The same structure applied to autonomous sectors.<sup>547</sup> The majority of the zone secretaries and above were members of the CPK's Central Committee<sup>548</sup> and only a small number of the members of the zone committees were members of the Party's Standing Committee.<sup>549</sup>
160. Zones had an administrative hierarchy to oversee sectors, districts, commune, villages and cooperatives<sup>550</sup>. Therefore, a zone was divided into sectors while each sector was divided into districts, and each district was subsequently divided into villages and cooperatives at the base level.<sup>551</sup> Each district mobile unit had around 3,000 people.<sup>552</sup>

#### 4.1. THE NORTHWEST ZONE

161. The Northwest Zone was one of the six zones of the DK after April 1976.<sup>553</sup> Geographically, this zone covered the provinces of Battambang and Pursat, and was divided into Sectors 1, 2, 3, 4, 5, 6 and 7.<sup>554</sup> The leader of this zone was MOUL Sambath *alias* ROS Nhim, who was the Zone Secretary. Later, in mid-1978 he was replaced by *Ta* Mok who was the Southwest Zone Secretary.<sup>555</sup> KONG Sophal was the Zone Deputy Secretary. In addition, *Ta Tith* was confirmed as the Northwest Zone Committee in mid-1978.<sup>556</sup> The Northwest Zone Commander-in-Chief was *Ta* Klaing.<sup>557</sup> The of Sector 1 First Secretary was *Ta* Kok, *Ta* Sou and *Ta* Say were members, later *Ta* Vanh, and *Ta* Nop were members, and eventually *Ta Tith* came to replace them.<sup>558</sup> Sarun was the Sector 2 Secretary.<sup>559</sup> The Sector 3 Secretaries were *Ta* Hea<sup>560</sup>, *Ta* Pet, *Ta* Toum,<sup>561</sup> *Ta* Chham<sup>562</sup> and *Ta* Tom<sup>563</sup>. The Sector 4 Secretaries included KHEK Pen *alias* *Ta* Sou, who was arrested in 1977<sup>564</sup>; MINH Thoeum or MINH Theum *alias* Heang, who was arrested in 1978<sup>565</sup>, and also *Ta* Vann and *Ta* Vay, who sat on the Sector Committee.<sup>566</sup> SUN Kun *alias* SUY Chea was the Sector Deputy Secretary, TOUCH Muoch was a Sector member and SENG Simoeun *alias* Thol was a Sector Office member.<sup>567</sup> *Ta* Cheal was the Sector 5 Secretary<sup>568</sup> and later he was replaced by MEN Chun *alias* *Ta* Hing.<sup>569</sup> Sector 6 had *Ta* Phou, *Ta* Suy were the Secretaries,<sup>570</sup> and *Ta* Kok, *Ta* Loeuk, *Ta* Pheng, and *Ta* Roeung were the Deputy Secretaries.<sup>571</sup> Sector 7 of the Northwest Zone covers Bakan District, Pursat Province. Sector 7 had a leadership structure, in which *Ta* Soth (KE Kimhuot) was Secretary and *Ta* Toy was Deputy Secretary.<sup>572</sup> Witnesses

asserted that *Ta Soth* and *Pheng* sat on Sector 7 Committee.<sup>573</sup> Later, *Ta Try* came to replace *Ta Soth* until the arrival of the Vietnamese to liberate Cambodia in 1979.<sup>574</sup>

#### 4.1.1. POWER STRUCTURE AT SECTOR 1 DURING THE DK PERIOD

162. Sector 1 was divided into five districts including Kors Krolor, Moung Russei, Sangkae<sup>575</sup>, Ratanakmondul,<sup>576</sup> and Samlot.<sup>577</sup>
163. Sector 1 was controlled by the Northwest Zone cadres and they were later arrested by the Southwest Zone group.<sup>578</sup> Only three people were chiefs of this sector.<sup>579</sup> The first manager of Sector 1 between 1975 was *Ta Kok*, who was of Por ethnicity.<sup>580</sup> Later, *Ta Peang alias Ta Say* sat on the Zone Office Committee and was Sector 1 Secretary from early to the end of 1975. He was later accused of being a traitor and thereafter arrested.<sup>581</sup> *Ta Say* had three deputies; *Ta Nop*, *Ta Kop* and *Ta Sou*, and *Ta Sean* who was a Sector Committee member.<sup>582</sup> *Ta Veng* was Sector 1 Deputy Secretary,<sup>583</sup> *Ta Nim* was a Sector 1 Member,<sup>584</sup> but the date when they were in power is unknown.
164. *Ta Vanh*, Sector 1 Secretary, was Sector Military Commander-in-Chief and a Kanghort Dam manager continuously from the time of *Ta Say*, and perhaps from late 1975 until end of 1976, was purged prior to the arrival of the Southwest Zone group for a period of four to five months due to the fact that *Ta Vanh* had collected weapons to hide to the east of Tipadei Mountain<sup>585</sup> under orders from the Party Central Committee.<sup>586</sup> *Ta HENG Teav alias Ta Pet* who was the Northwest Zone Deputy Secretary became Sector 1 Secretary replacing *Ta Vanh*.<sup>587</sup> Later, as *HENG Teav alias Ta Pet* and his wife were arrested in August or November 1978 by the Southwest Zone group and sent to break rocks and cut bamboo trees in Kampong Speu Province following *Ta Mok's* order.<sup>588</sup> *Ta Tith* came to replace *Ta Pet* in the position as Sector 1 Committee until the end of the Khmer Rouge regime.<sup>589</sup>
165. At Sangkae District, *Ta Vay* was district secretary<sup>590</sup> and *Ta Yean* was deputy secretary.<sup>591</sup> Later, *SUN Kun* became the district secretary. He was killed by the Southwest Zone group at the end of 1977.<sup>592</sup> When arriving at Sector 1, the Southwest Zone group called *Banan 'Sangkae District'*,<sup>593</sup> and *Ren* was a cadre from the Southwest Zone who acted as district secretary.<sup>594</sup> *Ta Yoeun Moung Russei* District Secretary, and *Ta Leng* was Deputy Secretary.<sup>595</sup> *Yoeun* was Kors Krolor District Secretary.<sup>596</sup> *Ta Nen* and *Ta Thon* sat on the District Committee.<sup>597</sup> *Yeay Leng* was Samlot District Secretary.<sup>598</sup> *Korn* sat on Ratanak Mondul District.<sup>599</sup>

#### 4.2. THE SOUTHWEST ZONE

166. The Southwest Zone was divided into four sectors: Sector 35<sup>600</sup> (Kampot Province)<sup>601</sup>, Sector 13<sup>602</sup> (Takeo Province)<sup>603</sup>, Sector 33 (Samraong Tong District and Kong Pisey District of Kampong Speu Province)<sup>604</sup> and Sector 25 (one part of Kandal Province).<sup>605</sup> At the Southwest Zone, *OUNG Chhoeun* or *CHHITH Chhoeun alias Ta Mok* was appointed as the Zone Secretary from its establishment until the collapse of the DK regime.<sup>606</sup>

167. Geographically, the Southwest Zone was located to the north of National Road No. 4 and consisted of four sectors, namely: Sector 13 (Takeo Province), Sector 25 (one part of Kandal Province), Sector 33 (Kampong Speu Province) and Sector 35 (Kampot Province)<sup>607</sup>. Sector 13 was located in Takeo Province and was divided into eight districts namely: Tramkak (District 105), Kiri Vong (District 109), Kaoh Andaet (District 10), Prey Kabbas, Samraong Tong, Treang (District 107), Angkor Chey (District 106) and Tani.<sup>608</sup> Sector 25 was located in one part of Kandal Province and was divided into four districts: S'ang, Kaoh Thum, Leuk Daek and Kien Svay.<sup>609</sup> Sector 33 was located in Kampong Speu Province and consisted of six districts, namely: Srang or Borsat (District 51), Bourei Cholsar, Prey Kabbas (District 55), Samraong (District 54), Bati (District 56) and Kong Pisei (District 52).<sup>610</sup> Sector 35 was located in Kampot Province and included five districts: Koh Sla, Kampot, Toukmeas, Kampong Trach and Chhuk.<sup>611</sup>
168. After MA Meng, who was the Southwest Zone Secretary, died in 1968, OUNG Choeun or CHHITH Choeun alias Ta Mok or Ta 15 became the Southwest Zone Secretary.<sup>612</sup> KANG Chap *alias* Se and CHOU Chet *alias* Sy were the Zone Deputy Secretaries.<sup>613</sup> In 1978, after ROS Nhim *alias* Ta Nhim, the Northwest Zone Secretary, was arrested; Ta Mok was appointed as the Northwest Zone Secretary while he was also the Southwest Zone Secretary.<sup>614</sup> After the arrest of Se, Ta Mok became Secretary of four zones namely; the Southwest Zone, the West Zone, Northwest Zone and the new North Zone.<sup>615</sup>

#### 4.2.1. SECRETARY OF SOUTHWEST ZONE

169. Geographically, Sector 13 was divided into five districts, namely: Tramkak (District 105), Angkor Chey (District 106), Treang (District 107), Kaoh Andaet (District 108) and Kiri Vong (District 109)<sup>616</sup> located in the Southwest Zone.<sup>617</sup>
170. After the Khmer Rouge came to power in 1975, Ta Saom *alias* Thorn<sup>618</sup> was Secretary of Sector 13. Perhaps in 1976, Ta Saom was replaced when he could not work any longer.<sup>619</sup> The Secretary of Sector 13 was often replaced; obviously, Ta Saom *alias* Thorn was the Secretary of Sector 13 between 1974 and 1976; later he was replaced by Ta Prak between 1976 and 1977.<sup>620</sup> Ta Phen was the Deputy Secretary and MEAS Muth *alias* Ta Muth was a member.<sup>621</sup>
171. Witnesses who were military in Sector 13 asserted that Ta Saom and Ta Phen sat on the Sector 13 Committee in October or November 1977.<sup>622</sup> Another witness named PICH Chim confirmed that in February 1977, Ta Saom sat on the Sector 13 Committee while he was leaving the Southwest Zone at that time.<sup>623</sup> Other witnesses similarly said that Ta Saom was the Sector 13 Committee Chief until September 1978.<sup>624</sup> Witness MAO Chhaom asserted that Ta Muth was the Sector 13 Secretary and the Sector Committee was composed of Ta Muth, Ta Saom, and Ta Phea.<sup>625</sup>
172. TIM Phuon, Ta Tith's nephew, said that Ta Tith became the Sector 13 Secretary in early 1978 and he was in that position for a period of about six months.<sup>626</sup> But witness TIM Phuon in a later interview said that he did not know Ta Tith's position at Sector 13 but knew that when the Vietnamese fought and

came in to Kiri Vong District perhaps in late 1977 or early 1978, **Ta Tith** was transferred from Kiri Vong District to Takeo Province.<sup>627</sup> Witness TIM Phuon said that **Ta Tith** was in Takeo for about six months and he was later transferred to Kratie for a short period and then moving from Kratie to Battambang and stayed there until 1979 when the Vietnamese arrived.<sup>628</sup>

173. Another witness named MOENG Vet said that **Ta Tith** became the Sector 13 Secretary for a while in 1978 before the arrival of the Vietnamese.<sup>629</sup> Another witness named NUTH Nov who was a Southwest Zone Cooperative Chief also, like the above-named witness, said that **Ta Tith** was announced as the new Sector 13 Secretary perhaps seven to eight months prior to the arrival of the Vietnamese in 1979.<sup>630</sup> A witness named HEM Chhuon, who was a 17 April person or a new person, was sent to grow rice in Tramkak District, said that **Ta Tith** was promoted after 1977.<sup>631</sup> Two other witnesses, UOL Hoeun and DOK Chan, said similarly that **Ta Tith** was transferred to the Sector in early 1976.<sup>632</sup>
174. The witness said that he met with **Ta Tith** when he came to participate in a meeting held in Phnom Penh perhaps in 1976, 1977 or 1978 which was normally only for the sector-level cadres and above.<sup>633</sup> Witness KHIEU Nov said that **Ta Tith** was the Kiri Vong District Secretary and later was transferred to work with *Ta* Mok at the Southwest Zone Office.<sup>634</sup> Another witness who was growing dry-season rice in Treang District of Sector 13 said that he saw a bald man sitting in a car perhaps in 1977 or 1978, and he was told that that person was named **YIM Tith** and he heard people saying that he was the Sector Secretary.<sup>635</sup>
175. Witness PICH Chim said that in late 1978 he heard a radio broadcasting saying that **YIM Tith** was the acting Sector 13 Secretary and welcomed guests at the Sector 13 Committee located in *Ta* Mok's house in Takeo Province, and he added that only those who were secretaries or deputy secretaries could welcome guests.<sup>636</sup> Other witnesses similarly asserted that **YIM Tith** was the Sector 13 Deputy Secretary as he always saw leaders sitting on the stage when there were sector committee meetings or congresses. Generally, deputy secretaries sat on the right hand of the chief and members sat on the left. According the witness's observations, **Ta Tith** always sat on the right hand of *Ta* Saom who was the Sector 13 Secretary.<sup>637</sup>
176. Witness CHAN Vichet contradicted the above assertions, saying that **Ta Tith** did not have a clear role, he just acted symbolically on *Ta* Mok's tasks once in a while, "it would disappear either it worked or did not work."<sup>638</sup>

#### 4.2.2. POWER STRUCTURE OF SECTOR 13 DURING DK PERIOD

177. Sector 13, located in Takeo Province<sup>639</sup> in the Southwest Zone had *Ta* Mok as Secretary.<sup>640</sup> This Sector was to the west of National Road 3. The Sector 13 Office was located near Ang Tasaom Pagoda, and approximately 300 to 400 metres to the north of Ang Tasaom market.<sup>641</sup>
178. Many witnesses expressed inconsistent statements on who was Sector Secretary and during which periods they held that position. Many witnesses said that *Ta*

Saom and *Ta Mok* were the first persons who sat on the Sector 13 Committee.<sup>642</sup> In addition, another witness testified that *Ta Mok* also held the position as Sector 13 Secretary.<sup>643</sup> Many other witnesses testified that *Ta Saom* also held the position as the Sector 13 Secretary before 1975 until perhaps in 1976 or October or November 1977<sup>644</sup>, and was later replaced because he was sick.<sup>645</sup> *Ta Prak* came from Sector 25 to replace *Ta Saom* as the Sector Secretary between 1976 and 1977 until *Ta Prak* was purged together with other two or three commune committees.<sup>646</sup>

179. In contrast, another witness gave the contradictory testimony that ***Ta Tith*** came to replace *Ta Saom* as the Sector Secretary<sup>647</sup> and this was consistent with other witnesses who said that perhaps seven or eight months prior to the arrival of the Vietnamese in 1979 ***Ta Tith*** took the position as the Sector 13 Secretary, replacing *Ta Ran* who had had a traffic accident<sup>648</sup>. Only two witnesses, who testified differently from others, said that ***Ta Tith*** was on the Sector 13 Committee in 1975 and held this position for one year only<sup>649</sup> and he was later transferred to the Northwest Zone with *Yeay Chaem* in 1977.<sup>650</sup> After ***Ta Tith*** moved to the Northwest Zone, *Ta Kith* was selected to be the Sector 13 Secretary for one year only.<sup>651</sup> *Ta Phen* was the Sector 13 Committee Deputy Secretary until October or November 1977;<sup>652</sup> he was later transferred to Sector 35,<sup>653</sup> and *Seang*<sup>654</sup>, MEAS Muth (second person)<sup>655</sup>, *Ta Kiv* (third person)<sup>656</sup>, IM Chaem (perhaps throughout 1975)<sup>657</sup>, *Yeay Chen*<sup>658</sup>, SAM Bith (for a while)<sup>659</sup> replaced by *Ta Ran*<sup>660</sup> as a Sector 13 member. *Ta Ngoy* and *Ta Khim*, who were assistants of *Ta Kiv*, were accused of being KGB agents and thereafter were arrested.<sup>661</sup> Perhaps in 1976, *Yeay Chaem* replaced *Ta Kiv* after he was taken to work at a rock-breaking worksite at Phnom Chrey O Phnov.<sup>662</sup> A woman named Cheat was responsible for controlling women in Sector 13<sup>663</sup>, while *Yeay Chaem* controlled children, women and men section in that sector.<sup>664</sup>
180. San was the Tramkak District Secretary,<sup>665</sup> and later, Khom was the Tramkak District Secretary<sup>666</sup>. *Ta Kiv*, PICH Chim, Nhev, *Yeay Boeun* (from 1978) sat as district members or as Deputy Secretary.<sup>667</sup> *Phy*, *Ta Kith*, Chheun and Chay sat on Tramkak District Committee.<sup>668</sup> But witnesses were not sure what position CHAY Kab held. Later, he was transferred to Battambang, the Northwest Zone with *Yeay Chaem* perhaps in mid-1976.<sup>669</sup>
181. In Kaoh Andaet, *Ta Seang* was the District Secretary.<sup>670</sup> A witness said that *Ta San* sat on the District Committee<sup>671</sup> in 1975<sup>672</sup>.
182. Nhen was the Angkor Chey Secretary between 1976 and 1977 and Choeun and Chaem (*Ta Nhen's* wife) was the Deputy-Secretary.<sup>673</sup> *Yeay Chaem* and *Yeay Phorn* were women leaders in the district.<sup>674</sup> Mon, Pen Yorn (re-educated by *Angkar*) and *Yeay Ran* (from 1978) sat on the Angkor Chey District Committee.<sup>675</sup>
183. Other witnesses testified that Tani District, called District 106, had *Ta Nhen* as the Chief<sup>676</sup> and *Yeay Chaem* was the Secretary.<sup>677</sup>

184. Treang District had Khem as the Secretary,<sup>678</sup> *Ta San* was also the District Secretary<sup>679</sup> and according to PICH Chim, Sim may have been Treang District Deputy Secretary.<sup>680</sup>

#### 4.2.3. POWER STRUCTURE IN KIRI VONG DISTRICT (SECTOR 13)

185. Kiri Vong District, called District 109<sup>681</sup>, had an office in Tonleab.<sup>682</sup> There were a few communes, such as: Ream Andek,<sup>683</sup> Ochar,<sup>684</sup> Prey Rumdeng,<sup>685</sup> Kampeng,<sup>686</sup> Saom<sup>687</sup>, and Tnaut Chang<sup>688</sup>. *Ta Khieu* was the Kiri Vong District Secretary in 1975 but he was arrested on the accusation that he was dishonest; *Ta Tith* was the Deputy Secretary;<sup>689</sup> later, *Ta Seang* was the Secretary and *Ta Tith* remained as Deputy Secretary.<sup>690</sup> *Ta Tith* was the District Secretary in 1976<sup>691</sup>, KONG Nam was in 1977<sup>692</sup>, *Ta Toeun* alias *Ta Tom* were arrested on the accusation that they joined the KGB<sup>693</sup>; *Ta Sean*<sup>694</sup> and *Yeay Bou*<sup>695</sup> sat on the District Committee when the regime came close to an end.<sup>696</sup> Another witness said that *Ta Soeun* or *Yeay Khoeun* may have sat on the Kiri Vong District Committee until the arrival of the Vietnamese.<sup>697</sup>

#### 4.2.4. SECRETARY OF KIRI VONG DISTRICT (DISTRICT 109)

186. Kiri Vong District Office was located in Trapeang Run Village, Ream Andek Commune, Kiri Vong District.<sup>698</sup> Kiri Vong District, called District 109, was located in Takeo Province, a part of Sector 13 in the Southwest Zone.<sup>699</sup> Kiri Vong District had two offices; one was located at *Ta Tith*'s house in Trapeang Run Village and the other one was located at *Ta Mok*'s house, a building in front of Soben Pagoda located in Chen Village, Ream Andek Commune.<sup>700</sup> But other witnesses testified that Kiri Vong District Office was located in between Soben Pagoda and Preah Theat Pagoda, which was a cement house of KONG Theuk located in Kbal Damrei Village.<sup>701</sup> Witness HENG Prel said differently from the above-mentioned witnesses that Kiri Vong District Office belonged to *Ta Tith* and *Ta Tom* at Bour Pagoda located in Bour Village, Prey Rumdeng Commune, Kiri Vong District.<sup>702</sup>
187. The secretaries of Kiri Vong District were *Ta Nim*, *Ta Teun*, *Yeay Bo* and *Ta Tith*.<sup>703</sup> *Ta Tom* was arrested on the accusation that he was a KGB agent.<sup>704</sup> *Ta Tith* was the Kiri Vong District Secretary between 1976 and 1977; later he was transferred to Battambang, perhaps in mid-1977<sup>705</sup>; then, *Yeay Khoeun* sat on the District Committee, replacing *Ta Tith*<sup>706</sup>, and *Ta Tom* was the Deputy Secretary.<sup>707</sup> Another witness said that *Ta Tith* was the Kiri Vong District Secretary; he was arrested and detained at Phnom Sanlong Security Office.<sup>708</sup>

### CHAPTER IV. ROLE AND AUTHORITY OF THE CHARGED PERSON

#### 1. PERSONAL DETAILS OF THE CHARGED PERSON

188. **Yim Tith**, alias *Ta Tith* or *Ta 17*<sup>709</sup>, male, born on 30 December 1936, with Khmer nationality and Khmer citizenship, and a pensioner<sup>710</sup>, was born in Trapeang Kul (ត្រពាំងគុល) or Trapeang Thum (ត្រពាំងធំ) Village, Trapeang Thum (Tboung), Tram Kak District (Former District 105), Takeo Province<sup>711</sup>,

which was part of Sector 13 in the Southwest Zone<sup>712</sup>. He is 1.70 metres tall, with a large frame, dark complexion and a partially bald head<sup>713</sup>.

189. Many witnesses claimed that **Ta Tith** was ordained as a monk in Tram Thum (ត្រាំធំ) Pagoda in the early 1950s before he went to study at Wat Moha Montrei (មហាមន្រ្តី) Pagoda in Phnom Penh.<sup>714</sup> A witness said that **Ta Tith** was one of the "strongest" men<sup>715</sup>, but other witnesses clarified that **Ta Tith** was gentle, good and honest.<sup>716</sup>

## 2. INVOLVEMENT WITH CRIME SITES

### 2.1. FACTUAL FINDINGS FOR THE CHARGE

#### 2.1.1. WAT PRATHEAT SECURITY OFFICE

190. Wat Pratheat (វត្តប្រាថាត) Security Office was located in Kbal Damrei (ក្បាលដំរី) Village, Kouk Prech (គោកព្រៃថ្ម) Commune, Kiri Vong (គិរីវង់) District (District 109)<sup>717</sup>, Sector 13, in the Southwest Zone<sup>718</sup>. Wat Pratheat Security Office was initially established in July 1975, and was operational until the end of the Democratic Kampuchea regime.<sup>719</sup> Some witnesses claimed that this security office was established prior to 1975.<sup>720</sup> Wat Pratheat Security Office was a district-level security office and was also called "Kiri Vong District Police Office".<sup>721</sup>
191. Wat Pratheat Security Office was located near Wat Pratheat Pagoda.<sup>722</sup> This security office was inside a one-hectare compound surrounded by palm trees and other trees.<sup>723</sup> Inside the compound of Wat Pratheat Security Office, there were three buildings. The first building, which was a long building, was the prison and was approximately 40 metres long.<sup>724</sup> The second building was the detention building, which measured approximately 8 metres in width and 12 metres in length. The third building was the dining hall, comprising a chicken farm, a milled rice warehouse, and a sleeping hall for the personnel of the security office.<sup>725</sup>
192. As regards the administrative structure of this security office, the first Security Office Chairperson was Chăn (ចាន់).<sup>726</sup> Chhim (ឈឹម) and Pring (ប្រឹង) were the Security Office Vice-Chairpersons<sup>727</sup>. Later, Pring was promoted to Security Office Chairperson, and he held this position until the collapse of the Democratic Kampuchea regime.<sup>728</sup> Whilst Pring was the Prison Chairperson<sup>729</sup>, Chhim and Bën (ប៉ែន) were the Security Office Vice-Chairpersons<sup>730</sup>. According to the statements of some witnesses, in practice, Pring, Chăn, and Chhim frequently worked together as if they were chairpersons.<sup>731</sup> Witnesses testified that before orders were issued to arrest and transfer prisoners to Wat Pratheat Security Office, reports had to be made to the District Security Chairperson in advance.<sup>732</sup> As regards the reports submitted to upper echelons, only Pring, the

Wat Pratheat Security Office Chairperson, was authorised to report to the Kiri Vong District Committee.<sup>733</sup>

193. In this security office, another important person was Born (ប័រ), who was a district soldier and later became a zone soldier in April 1975<sup>734</sup>. A witness testified that Born and Chan were the District Militia Unit Chiefs and were in charge of security throughout Kiri Vong District.<sup>735</sup> Several witnesses stated that they never saw Born visiting Wat Pratheat Security Office.<sup>736</sup> On the contrary, one witness stated that Born was cruel and vicious, and he always issued orders to arrest and transfer people to Wat Pratheat Security Office.<sup>737</sup> Because of his level of authority, some witnesses mistook Born for the Wat Pratheat Security Office Chairperson.<sup>738</sup>
194. Wat Pratheat Security Office was used for detaining the people and Khmer Krom who had been arrested from villages, communes, and cooperatives in Kiri Vong District, Takeo Province, Sector 13 of the Southwest Zone.<sup>739</sup> In some cases, arrests were made only after the district sent lists of the people to be arrested to the commune, who had to implement the orders.<sup>740</sup>
195. The prisoners at Wat Pratheat Security Office were classified into two categories: “serious offenders” and “light offenders”.<sup>741</sup> “Serious offenders” were those who had connections with previous regimes; whereas “light offenders” referred to those who committed minor mistakes.<sup>742</sup> As regards the minor mistakes which caused people to be arrested and sent to the commune, these included things such as breaking plates, stealing food, stealing potatoes, stealing milled rice, stealing chickens, etc.<sup>743</sup> However, one witness stated that the prisoners in this security office were not classified into different categories.<sup>744</sup>
196. Prisoners were kept in leg shackles attached to a long iron bar, and one hand of each prisoner was cuffed with one hand of another prisoner.<sup>745</sup> Those shackled and handcuffed prisoners had to lie in two rows with their legs opposite one another. In the detention hall, there were two to three rows of shackles. One row of shackles could hold around 50 prisoners. After some prisoners were taken to be killed, more people were brought in to be placed in the shackles.<sup>746</sup>
197. A witness who was detained in Wat Pratheat Security Office for 12 months in 1977 testified that during his detention, he was detained in the prison for three months and later he was sent to the 'education' place for nine months where he was ordered to look for firewood and climb palm trees.<sup>747</sup> Some of the prisoners at Wat Pratheat Security Office were released.<sup>748</sup> The prisoners at Wat Pratheat Security Office were brutally tortured. For example, their heads were covered with plastic bags until they almost suffocated; they were beaten with clubs and were forced to swallow a large amount of salt, etc.<sup>749</sup> DUCH Chan (ឌុច ចាន់) was responsible for recording prisoners' confessions.<sup>750</sup> Some detainees were violently interrogated before they were taken to be killed,<sup>751</sup> whereas other prisoners were taken to be killed without being interrogated. Prisoners were

taken to be killed in rice fields south of Wat Pratheath during quiet periods such as at midday or dusk.<sup>752</sup>

198. In addition, it is rumoured that beautiful women were raped, and if those women were found to be pregnant, they were taken to be killed.<sup>753</sup> Some prisoners at Wat Pratheath died from torture, starvation, or illness<sup>754</sup>, whereas others were taken out to be smashed to death and thrown into pits which were located around 100 metres away from Wat Pratheath.<sup>755</sup> A witness added that if a large number of people were to be killed, they would request assistance from the district.<sup>756</sup> One witness testified that s/he saw the person in charge of the prison beheading people.<sup>757</sup> At the end of the period, only four prisoners survived the killings at Wat Pratheath security office.<sup>758</sup>
199. After the collapse of the Khmer Rouge regime, tall piles of human bones and skulls and pits<sup>759</sup>, were found. Wat Pratheath Security Office was regarded as the biggest detention facility and killing site in Kiri Vong District.<sup>760</sup> Several witnesses estimated that between 5,000 and 6,000 victims were killed at Wat Pratheath Security Office.<sup>761</sup> However, other witnesses stated that up to 16,000<sup>762</sup> people were killed at Wat Pratheath Security Office, but some of them were killed during the LON Nol regime.<sup>763</sup> In the compound of Wat Pratheath Security Office, after the collapse of the Democratic Kampuchea regime, between 200 and 300 pits with tall piles of human bones and scattered human skulls were found.<sup>764</sup>
200. Some witnesses stated that in perhaps late 1975 or early 1976, **Ta Tith** was seen coming to inspect the prisoners at Wat Pratheath Security Office.<sup>765</sup> Two witnesses who were former prisoners at Wat Pratheath Security Office stated that **Ta Tith** visited Wat Pratheath Security Office at least twice<sup>766</sup>. However, other witnesses stated that they never saw **Ta Tith** visiting Wat Pratheath Security Office.<sup>767</sup>
201. There have been suggestions that **Ta Tith** was aware of the arrests and killings at Wat Pratheath Security Office.<sup>768</sup> Meanwhile, other witnesses stated that **Ta Tith** issued orders to release prisoners after he visited the security office.<sup>769</sup> One witness stated that whilst he was walking towards Wat Pratheath, he saw **Ta Tith** riding a motorbike to visit the communes.<sup>770</sup>

### 2.1.2. KRAING TA CHAN SECURITY OFFICE

202. Kraing Ta Chan (ក្រាំងតាចាន់) Security Office was known as the District 105<sup>771</sup> Education Office or the District Security Office.<sup>772</sup> This security office was located in Trapeang Lean (ត្រពាំងលាន) Village, Kus (គុស) Commune, Tram Kak (ត្រាំកក់) District (District 105)<sup>773</sup>, Takeo Province.<sup>774</sup>
203. The compound of Kraing Ta Chan Security Office was rectangular, and within it, there was a building for the prison chairperson and vice chairpersons<sup>775</sup>, and a big pit in the middle. There were three other pits in different directions, with

one pit located in the north-west section, another one in the east/south-east section, and the other one in the western section.<sup>776</sup> At Kraing Ta Chan Security Office, there were also dark prisons underground.<sup>777</sup>

204. As regards the establishment of Kraing Ta Chan Security Office, some witnesses stated that this office was established in 1972 or 1973 for meeting purposes, and in mid-1973, Kraing Ta Chan was converted into a detention centre under the control of the District 105 Committee.<sup>778</sup> Some witnesses stated that Kraing Ta Chan Security Office was established in early 1975 or in 1975 and was located within a forest<sup>779</sup> or near Wat Angk Ponnareay (អង្គ ពណ្ណាវាយ) Pagoda.<sup>780</sup> One witness, UK Him (អ៊ឹក ហ៊ឹម), stated that prior to 1976, Kraing Ta Chan Security Office was not a real prison, but an education centre where people were sent to be educated and was a killing site. In 1976 halls began to be built to convert it into a prison.<sup>781</sup> Other witnesses also stated that Kraing Ta Chan Security Office was established both for educating and interrogating people.<sup>782</sup> Kraing Ta Chan Security Office was operational until the collapse of the Democratic Kampuchea regime.<sup>783</sup>
205. Several witnesses stated in the same manner that PHAN Chhên (ផាន់ ឆេន), alias *Ta Chhên* (ឆេន), was the Kraing Ta Chan Education Office Chairperson prior to 1973.<sup>784</sup> Later, *Ta Chhên* was transferred from this office, and his Vice-Chairperson, LENG An (ឡេង អាន់), alias *Ta An* (អាន់), became the Chairperson<sup>785</sup>, and *Ta Khhorn* (យន) was *Ta An*'s Vice-Chairperson. Later, Duch Thom (ឌុច ធំ), a former Kraing Ta Chan Security Office guard, was promoted as Vice-Chairperson, and later *Ta Penh* (ពេញ) replaced Duch Thom as the Vice-Chairperson.<sup>786</sup> *Ta Chêng* (ចេង) was a member, and there were several other guards.<sup>787</sup> This security office had a total of approximately 12 or 13 personnel,<sup>788</sup> with some of them working in the office and at least six of them working as guards.<sup>789</sup>
206. The people evacuated from Phnom Penh were sent to Kraing Ta Chan Security Office.<sup>790</sup> All the other prisoners were sent from communes and districts throughout Takeo Province, prisoners from other provinces,<sup>791</sup> people who had just moved to Kiri Vong District<sup>792</sup>, and former officials of previous governments.<sup>793</sup> They were all sent to Kraing Ta Chan Security Office.<sup>794</sup>
207. Witnesses stated that the Khmer Krom people were continually sent to Kraing Ta Chan Security Office during the period of 1975 to 1978. Most of the Khmer Krom people were sent to Kraing Ta Chan Prison in 1977 because, in that year, Vietnam launched fierce attacks into the country and, consequently at that time, the Khmer Krom people were considered as Yuon.<sup>795</sup> Actually, the reports sent between commune offices, the district office, and Kraing Ta Chan Security

- Office mentioned the arrests of Khmer Krom people from 1975 to 1978.<sup>796</sup> A witness stated that after the Khmer Rouge liberated Phnom Penh, three Khmer Krom families were sent to live in his village, and were later sent to Kraing Ta Chan.<sup>797</sup> A victim named YĀN Pet (យ៉ាន ប៉ែត) was arrested and sent to Kraing Ta Chan.<sup>798</sup>
208. Kraing Ta Chan Security Office was also a killing site.<sup>799</sup> Witness RIEL Sān (រឿង សាន) stated that he attended two meetings in the middle of and at the end of the Khmer Rouge regime, and he heard the Tram Kak District Committee announcing to participants about the types of people to be purged, and the people having connections with the LON Nol regime, all of whom were to be killed, such as government officials, police officers, and soldiers with the rank of adjutant upwards.<sup>800</sup> Other witnesses stated that many 17 April people, Phnom Penh evacuees, and former officials of the LON Nol regime were screened and sent to Kraing Ta Chan Security Office.<sup>801</sup>
209. People were arrested by village chiefs<sup>802</sup>, militiamen<sup>803</sup>, and messengers.<sup>804</sup> Children, women, young and old people<sup>805</sup> were arrested and sent to Kraing Ta Chan every day or once every three or five days.<sup>806</sup> The number of people sent to Kraing Ta Chan Security Office was not constant<sup>807</sup>; some times between 20 and 30 people<sup>808</sup> were arrested and sent to Kraing Ta Chan at once. A witness saw the Khmer Rouge tying up people from an ethnic minority in six lines and escorting them to Kraing Ta Chan. There were children among them.<sup>809</sup> The witness added that at that time he saw between 59 and 68 people, excluding children.<sup>810</sup> Different statements have been made about the number of detainees at Kraing Ta Chan. Some people said that there were over 200<sup>811</sup>; whereas others claimed that there were at most only 30 detainees, and these people clarified that, if the number was bigger, it may have been the number during the period of *Ta Chhēn*, prior to and in 1975.<sup>812</sup> Witnesses stated that people were arrested and sent to Kraing Ta Chan prison because those people asked for cooked rice to eat<sup>813</sup>, they were against the revolution<sup>814</sup>, or they firmly refused to get married.<sup>815</sup>
210. Prisoners were interrogated, tortured<sup>816</sup>, and beaten during interrogations<sup>817</sup>; they were scolded and looked down on; and their legs were shackled.<sup>818</sup> One witness heard a chaotic noise and when he looked through the prison fences he saw them beating prisoners and forcefully opening the mouths of the prisoners who did not answer. The interrogator was the Kraing Ta Chan Security Office Vice-Chairperson.<sup>819</sup>
211. A witness who was a former prisoner at Kraing Ta Chan Security Office stated that every day he saw letters written in red which were sent from upper *Angkar* and listed the names of those to be destroyed, and later the people whose names were written in such letters were gathered and advised “to implement the plan of *Angkar*, not to betray *Angkar* so that they would be released and sent back to their cooperatives on the condition that they had to follow the plan”. In fact, those prisoners were taken to be killed.<sup>820</sup> Witness SET Yem (សែត យ៉ែម), a

former prisoner at Kraing Ta Chan, stated that his child, SET Khem (ស៊ីត ខៀម), who was detained with him, was taken to be killed, and he was forbidden to cry.<sup>821</sup>

212. At Kraing Ta Chan Security Office, there were approximately 127 Khmer Krom prisoners, excluding children, who were sent to Kraing Ta Chan to study; however, in fact, all of them were taken to be killed. First, the Khmer Rouge smashed all the parents and pushed their bodies into pits, even those who were still alive, and later they smashed and killed the children.<sup>822</sup> Other witnesses who saw the killings first hand once or twice<sup>823</sup> stated that the Khmer Krom people were not detained for a long period; they were detained for only one or two days, and then they were taken to be killed, and sometimes three four, or five of them were taken to be killed at a time. Some other witnesses stated that the Khmer Rouge killed between 50 and 60 or 100 people at a time.<sup>824</sup> A witness stated that the person who took the people to be killed was *Ta An*, the Kraing Ta Chan Security Office Chairperson, but the witness did not see how the people were killed. He only saw piles of corpses.<sup>825</sup>
213. Some witnesses stated that the leadership of Kraing Ta Chan Security Office did not have the authority to make arrests without orders from upper echelons.<sup>826</sup> They stated that those lower-level people had to follow the instructions from the upper echelons.<sup>827</sup> In general, the district received reports sent from the communes, and those reports were aimed to inform upper echelons about suspicious elements, traitorous activities of enemies, the general situation in the area, arrests of enemies, or to request instructions or decisions from upper *Angkar*.<sup>828</sup> Those arrested by the commune were sent to the district; they were further sent to Kraing Ta Chan Security Office along with the reports.<sup>829</sup> Meanwhile, the district also sent reports to the sector<sup>830</sup>, and the decisions of upper echelons. These were sent back to be implemented by *Ta An*, the Kraing Ta Chan Security Office Chairperson.<sup>831</sup> *Ta An* reported to his upper echelons about the confessions of those prisoners, and all the decisions, including the decisions to continue searching for enemy networks, to continue spying on prisoners, or to destroy prisoners, were sent from the upper echelons.<sup>832</sup>
214. A witness heard from others that the chairperson, vice chairpersons, and all the militiamen at Kraing Ta Chan Security Office took all the female prisoners to be killed after they raped them.<sup>833</sup> One witness stated that the Kraing Ta Chan Security Office typist<sup>834</sup> brutally killed many women from mobile units by inserting M-79 grenades inside their vaginas after he raped them.<sup>835</sup> However, other witnesses stated that, while people were killed at Kraing Ta Chan, there were no cases of rapes in the prison.<sup>836</sup> If there were such cases, the victims and the perpetrators would have been killed for committing moral offences.<sup>837</sup>
215. Witness YIN Tēng (យ៉ិន តេង) stated that the Kraing Ta Chan Security Office Chairperson communicated with *Ta Mok* by sending letters through a messenger named Moeun (ម៉ឿន) (a young child).<sup>838</sup> Some witnesses stated that they saw *Ta Mok* coming to Kraing Ta Chan compound once every three to four

days or each week.<sup>839</sup> However, some other witnesses who were former prison guards and former prisoners at Kraing Ta Chan stated that they neither heard of nor knew **YIM Tith** or **Ta Tith**.<sup>840</sup>

### 2.1.3. PREIL VILLAGE EXECUTION SITE

216. Preil (ព្រៃល្អ) Village Execution Site was located in Prel (ព្រៃល្អ) Village, Saom (ស្រែវង) Commune, Kiri Vong District, Takeo Province<sup>841</sup>, close to the border with Vietnam.<sup>842</sup> It was unclear when the execution site was established and closed. However, most witnesses claimed that this site was in operation in approximately late 1978. In Preil Village, there was a pagoda which was surrounded by bamboo forests.<sup>843</sup>
217. *Ta Prachnha* (ប្រាជ្ញា) was in charge of the military unit there.<sup>844</sup> Some witnesses stated that Hēng (ហេង) was in charge of the Khmer Krom in Preil Pagoda.<sup>845</sup>
218. The Khmer Rouge coaxed the Khmer Krom people to come to Preil Pagoda.<sup>846</sup> The Khmer Rouge threatened to shoot to kill anyone who refused to do so.<sup>847</sup> 30 Khmer Krom people fled when they were instructed to move to Preil Village.<sup>848</sup> Many witnesses stated that in late 1978, Khmer Krom people from Vietnam, including children and women<sup>849</sup>, were gathered to stay in a pagoda in Preil Village.<sup>850</sup> Some of them were mobilised to join the army<sup>851</sup> in order to fight against Vietnam.<sup>852</sup> Besides the Khmer Krom people, monks were also evacuated from various pagodas to Preil Pagoda, where they were subsequently disrobed.<sup>853</sup> Young monks were sent to join the army; abbots were sent to Kampeang Kouk Prech (កំពង់គោកព្រឹថ).<sup>854</sup>
219. Those Khmer Krom people were not allowed to leave Preil Pagoda.<sup>855</sup> A Civil Party Applicant stated that any Khmer Krom people who left Preil Pagoda without permission from the Khmer Rouge would disappear, and in fact Khmer Krom soldiers also disappeared at night.<sup>856</sup> In late 1978, the Khmer Rouge killed the Khmer Krom people because they tried to flee back into Vietnam.<sup>857</sup> In addition, people, including women and children, were killed<sup>858</sup> because they could not speak Khmer well<sup>859</sup> or because their spouses had Vietnamese connections.<sup>860</sup> An eyewitness stated that the family of a Yuon wife and four children who could not speak Khmer well were all taken to be killed.<sup>861</sup> Nevertheless, some witnesses stated that they were not aware of any killings.<sup>862</sup> Some witnesses only noticed that people there disappeared.<sup>863</sup>
220. A witness stated that s/he saw mass graves of the Khmer Krom people who had been taken to be killed in Preil Village, Saom Commune.<sup>864</sup> More than 1,000 Khmer Krom people were smashed and pushed into the caves in the mountain.<sup>865</sup> Witness SAN Touch (សាន់ តូច), who is now living in that village, stated that in Preil Village there was only one pit, which was the hole or cave in the mountain which was around 1.5 kilometres away from Preil Village.<sup>866</sup>

221. According to the statements of Civil Party Applicants, the Khmer Krom people were killed in accordance with the policy of POL Pot, and they added that they did not know nor had heard of *Ta Tith*.<sup>867</sup>

#### 2.1.4. WAT ANGKUN EXECUTION SITE

222. Wat Angkun (វត្តអង្គុណ) Execution Site was located in Prasat (ប្រាសាទ) Village, Kampeaeng (កំពែង) Commune, Kiri Vong District (District 109)<sup>868</sup>, Takeo Province, Sector 13, the Southwest Zone.<sup>869</sup> Wat Angkun Execution Site was established after 1975.<sup>870</sup>
223. Wat Angkun was a small pagoda surrounded by vast rice fields.<sup>871</sup> Wat Angkun Pagoda was not a detention facility nor a killing site, but a sleeping place for male and female youth units and children's units.<sup>872</sup> Wat Angkun Execution Site was located outside the compound of Wat Angkun Pagoda, in the high ground areas and termite mounds outside Wat Angkun Pagoda. There were many areas of termite mounds near Wat Angkun Pagoda<sup>873</sup>, with some of them located around 50 metres, 100 metres and 200 metres away from Wat Angkun Pagoda.<sup>874</sup>
224. *Ta Pos* (ប៉ូស) was the Kampeang Commune Cooperative Chairperson in Kiri Vong District, and *Chhēng* (ឃឹង) was the Vice-Chairperson.<sup>875</sup>
225. One witness saw many corpses at the termite mounds near Wat Angkun Pagoda.<sup>876</sup> The witness added that “there were no work sites, nor battle fields near Wat Angkun Pagoda”.<sup>877</sup> On the contrary, some witnesses stated that some killings were carried out at Wat Angkun, and other killings were carried out at the worksites.<sup>878</sup>
226. The prisoners who were arrested and sent to Wat Angkun included educated people, those having connections with previous governments, former soldiers, and Khmer Krom people.<sup>879</sup> Many witnesses who were arrested and sent to Wat Angkun survived and returned after the collapse of the Democratic Kampuchea regime.<sup>880</sup> Some prisoners were detained at different locations, but when those prisoners were to be killed, they were taken to be killed at Wat Angkun Execution Site.<sup>881</sup>
227. The people staying at Wat Angkun Pagoda were required to dig ditches, and during breaks they were assigned to sing revolutionary songs to ease the atmosphere. Actually, one singer who, confused, unintentionally sang a foreign song was arrested and taken to be killed in front of all the audience.<sup>882</sup>
228. Pits were found outside the compound of Wat Angkun Pagoda, and each pit measured around 2 metres in width and 4 metres in length.<sup>883</sup> A witness stated that s/he saw many mass graves of Khmer Krom people who had been taken to be killed at Wat Angkun Pagoda.<sup>884</sup>

229. The Khmer Krom people who were gathered to stay at Wat Angkun Pagoda were arrested and taken to be killed at termite mounds and bushes outside the compound of Wat Angkun Pagoda, with two or three of them being taken to be killed in one week.<sup>885</sup>

### 2.1.5. SLAENG VILLAGE FOREST EXECUTION SITE

230. Slaeng (ស្លែង) Village was located in Kouk Prech Commune, Kiri Vong District, Takeo Province.<sup>886</sup> One Civil Party Applicant stated that in Slaeng Village there was a pagoda known as Wat Slaeng.<sup>887</sup> A Civil Party Applicant stated that near Slaeng Village there were mountains, forests, and many bushes<sup>888</sup>, all of which were also killing sites.<sup>889</sup> However, one witness stated that there was no forest in Slaeng Village; there were only rice fields.<sup>890</sup> A Civil Party Applicant clarified that in late 1978 Slaeng Village was a meeting site of the Khmer Rouge.<sup>891</sup>
231. Witness HOK Chân (ហុក ចាន់) said that in 1975 in Slaeng Village there was an underground detention facility in Wat Slaeng Pagoda; however, in 1976 that detention facility was moved to another location.<sup>892</sup> However, other Civil Party Applicants who were arrested and sent to live in Slaeng Village stated that in Slaeng Village there was neither a pagoda, nor a detention centre, nor a collective dining hall. There were only school buildings.<sup>893</sup>
232. Witnesses who travelled to Slaeng Village once every 10 days in order to attend meetings stated that *Ta Sokh*, (សុខ) *Ta Rou* (រូ) and *Ta Poh* (ប៉ូ) were in charge of Wat Slaeng.<sup>894</sup> *Ta Poh* was the chief of Slaeng Village and he was responsible for inspecting cooks and the people whilst they were doing their work such as ploughing and transplanting rice seedlings in rice fields.<sup>895</sup> These three people were in charge; they gathered people to attend meetings; and they allocated work to people.<sup>896</sup> Other Civil Party Applicants stated that SÈM Khum (សែម គុំ), from Vietnam, was the chairperson and was in charge at Wat Slaeng.<sup>897</sup>
233. A witness stated that in 1978 the Khmer Krom people were coaxed into coming to live in Cambodia<sup>898</sup>, and they were taken to stay in the compound of Wat Slaeng Pagoda, whereas local people lived in Slaeng Village.<sup>899</sup> According to this witness, all the people who lived in Slaeng Village were Khmer Krom when s/he arrived in 1978.<sup>900</sup> A Civil Party Applicant stated that the Khmer Krom people were forced by the Khmer Rouge to move from Preil Village to Slaeng Village, after being told that the Vietnamese enemies would soon invade.<sup>901</sup> Two Civil Party Applicants stated that some people were transferred from the pagoda or other locations to Slaeng Village as well.<sup>902</sup> During such transfers, those people had to travel on foot<sup>903</sup> quietly and slowly and were not allowed to rest.<sup>904</sup> The journey took up to three days in some cases.<sup>905</sup> A witness stated that s/he, his/her elder brother, and two children were also transferred to Slaeng Village after s/he lived in Kampeang Village for approximately two or three months.<sup>906</sup>

234. A Civil Party Applicant stated that s/he and between 20 and 30 other people in the same unit were assigned to stay in Wat Slaeng after the old unit were taken out of that place for an unknown reason, and the people were only told that the old unit were moved to a new location.<sup>907</sup> A witness stated that the Khmer Krom people who lived in Slaeng Village in late 1977 disappeared one by one and were never seen again.<sup>908</sup> A witness who was transferred from Kampeaeng to Slaeng Village stated that his/her two children and his/her elder brother were transferred by the Khmer Rouge to work in new locations and disappeared around one month after their arrival in Slaeng Village.<sup>909</sup>
235. In 1978, during meetings at Wat Slaeng, the Khmer Rouge told the people in the meetings about the events in which some Khmer Krom people had fled to Vietnam and the Khmer Rouge considered those Khmer Krom people as having “**Yvon heads with Khmer bodies**”, who had to be killed so that they would not dare to flee to Vietnam any more.<sup>910</sup> A witness SĂN Tauch (សាន់ តូច) stated that whilst s/he was building a bridge s/he saw the Khmer Rouge transporting Khmer Krom people in many horse carts from various villages, such as Angk Khtov (អង្គក្រវ៉ា) Village, Kampeaeng Village, Angkun Village, Kouk Prech Village, and Slaeng Village in Kampeaeng Commune to be killed in the forests in Slaeng Village.<sup>911</sup>
236. If anyone made any mistake, the Khmer Rouge would take that person to be killed and thrown into the existing pits in Slaeng Village.<sup>912</sup> The Khmer Krom people were taken to be killed and buried at various killing sites in Kiri Vong District, including the forests in Slaeng Village.<sup>913</sup> According to a witness, Three Khmer Krom who tended cattle were arrested by the Khmer Rouge and sent to Wat Slaeng because those people had secretly slaughtered cattle for food.<sup>914</sup>
237. A Civil Party Applicant stated that s/he witnessed the killings at Wat Slaeng, and some people died from starvation.<sup>915</sup> However, some witnesses stated that between 1975 and 1979 they did not see any killings in Slaeng Village; they saw only corpses.<sup>916</sup> A Civil Party Applicant gave a similar statement.<sup>917</sup>
238. The Civil Party Applicant added that s/he saw piles of human bones behind Wat Slaeng.<sup>918</sup> A pond located west of Wat Slaeng Pagoda was full of human skulls.<sup>919</sup> Other Civil Party Applicants stated that they came across fresh and dried human skulls whilst they were looking for their cattle.<sup>920</sup>

#### 2.1.6. PREY SOKHON AND WAT ANGK SEREI MUNI EXECUTION SITE

239. Wat Angk Serei Muni (អង្គសិរីមុនី) Pagoda or Samphli (សំភ្លី) Pagoda or Thmei (ថ្មី) Pagoda<sup>921</sup> was located in Samphli (សំភ្លី) Village, Prey Khla (ប្រៃខ្លា) Commune, Kaoh Andaet (កោះអណ្តែត) District (District 108), Sector 13 of the Southwest Zone.<sup>922</sup> Wat Angk Serei Muni Pagoda was located on the right side of a path leading to the north from Samphli Village, Prey Khla Commune

- towards Si Sla (ស៊ីស្លា) Village, Thlea Prachum (ធ្លាប្រជុំ) Commune.<sup>923</sup> During the Khmer Rouge regime, inside the compound of Wat Angk Serei Muni there was only the main Buddhist temple and a wooden school building. The compound was not surrounded by walls.<sup>924</sup> A witness stated that the two buildings were used for detaining people.<sup>925</sup> Perhaps in 1976, inside the compound of Wat Angk Serei Muni Pagoda, there was a detention facility near a Khmer Rouge military base which measured 9 metres in length and 7 metres in width.<sup>926</sup>
240. Prey Sokhon Execution Site was north of Wat Angk Serei Muni and was located between Samphli Village and Si Sla Village, which was approximately 2.5 kilometres away from the two villages.<sup>927</sup> During the Khmer Rouge regime, people were forbidden to enter Prey Sokhon.<sup>928</sup>
241. Wat Angk Serei Muni and Prey Sokhon execution sites were in operation from 17 April 1975 to November 1978, when the Vietnamese forces entered that area.<sup>929</sup> Wat Angk Serei Muni was a detention facility.<sup>930</sup> Prey Sokhon was a killing site.<sup>931</sup> Some witnesses stated that Prey Sokhon was a big execution site where there were many big pits for burying corpses.<sup>932</sup>
242. From 1975 through to the end of the Democratic Kampuchea regime, Wat Angk Serei Muni was under the control of Koah Andaet District military.<sup>933</sup> The district military used this pagoda compound as their base.<sup>934</sup>
243. Witness VORNG Nob (វង់ ណុប), who lived in Samphli Village throughout the Democratic Kampuchea regime, stated that Maong (ម៉ោង), the Security Guard Chairman, decided to send the people from the school building inside the pagoda compound to the execution site.<sup>935</sup> The same witness also added that Maong held the role of Sector 108 Police Chairman.<sup>936</sup>
244. The Kaoh Andaet District Military Commander was Soeun (ស៊ីវ៉ាន), who was in charge of the military base in Wat Angk Serei Muni<sup>937</sup>; however, evidence shows that Ta Ouch (តា ឡូច), alias San (សាន)<sup>938</sup>, served on the first Kaoh Andaet District Committee for two years, beginning from 17 April 1975.<sup>939</sup> Later, Soeun, alias Ov A Chhlous (ខ្ញីអាណូស)<sup>940</sup>, was promoted to serve on the District Committee until the arrival of the Vietnamese in November 1978.<sup>941</sup> The witness added that the new District Committee was announced by the Khmer Rouge through the village and commune chiefs.<sup>942</sup> However, other witnesses who were transferred to Tuol Kouk Srok (តួលក្បកស្រុក) near Si Sla Village stated that no Khmer Rouge cadres came to convene meetings in order to deliver any speech or to make any announcement. Instead, it was Khmer Rouge soldiers who did that.<sup>943</sup>

245. Other witnesses stated differently that IM Chaem<sup>944</sup> (អ៊ឹម ថៃម) was in charge of the district military, and Soeun (សៀន) was the division commander who was above IM Chaem.<sup>945</sup> The witnesses added that IM Chaem was in charge of Kaoh Andaet District military from 1972 or 1973.<sup>946</sup> Other witnesses stated that Sovān (ស៊ុវ៉ាន់), who was both the chairperson of a mobile unit and the chairperson of a youth unit, was in charge of the entire Kaoh Andaet District.<sup>947</sup> However, other witnesses stated that *Ta Mon* (ម៉ុន) was the military chairperson who supervised the 17 April people.<sup>948</sup>
246. The people who were transferred from Phnom Penh to Si Sla Village had to travel on foot<sup>949</sup> for around five days.<sup>950</sup> Other evidence shows that the people transferred to Si Sla Village and Samphli Village were gathered from different places in Kaoh Andaet District; for example, Khmer Krom were transferred from Trapeang Kak (ត្រពាំងកក់) Village in Thlea Prachum Commune to Si Sla Village, whereas the people in Si Sla Village were transferred to Trapeang Kak instead.<sup>951</sup>
247. Witnesses stated that upon their arrival the evacuees were assigned by Khmer Rouge soldiers to build shelters themselves and they were divided into groups of 15 families.<sup>952</sup> Those people were assigned to work; adults were assigned to strengthen rice field dikes, and those with young children were assigned to dig termite mounds and remove rice field dikes near villages. Old people were assigned to chop *tuntrean khet* (ទន្លេត្រែង) plants to make fertiliser, and babies were cared for by babysitters.<sup>953</sup> At that time, people were told to work hard to oppose the capitalists and the feudalists, and to be committed to produce five tons of rice per hectare.<sup>954</sup>
248. People were assigned to work day and night without rest from 4 a.m. to 7 p.m. People were allowed to take a break from 12 p.m. to 1 p.m., and at 5 p.m. for one hour.<sup>955</sup> As regards food rations, one person was given only half a can of cooked rice per day or one can of rice gruel per day.<sup>956</sup>
249. The people evacuated from Phnom Penh and Takeo were taken to stay in the compound of Wat Angk Serei Muni Pagoda, and at least 1,000 families with an average of four members, were detained in a school building and a detention hall inside the compound of Wat Angk Serei Muni.<sup>957</sup> Hundreds of families were evacuated from Takeo and Phnom Penh<sup>958</sup>; those people were of different ethnicities such as Khmer, Khmer-Chinese, and Khmer Krom; those people were ordinary citizens, businesspeople, government officials and soldiers of the LON Nol regime.<sup>959</sup>
250. Witnesses stated that approximately 400 families from Phnom Penh and Takeo of an average size of three to six members<sup>960</sup> and around 400 other non-Khmer Krom families were transferred to Wat Angk Serei Muni.<sup>961</sup> Other witnesses stated that many people from other villages in Kaoh Andaet District were also

detained in Wat Angk Serei Muni.<sup>962</sup> However, other evidence shows that between 10 and 20 Khmer Krom families were taken by the Khmer Rouge to be temporarily detained in Wat Angk Serei Muni.<sup>963</sup>

251. One witness described how the people who were taken to be detained in Wat Angk Serei Muni were not cuffed, but those people were not allowed to move freely in the compound.<sup>964</sup> The witness added that the detention and the detention conditions of the people in Wat Angk Serei Muni were based on the decision of the security chairperson, Maong.<sup>965</sup>
252. Many witnesses stated that the Khmer Krom and 17 April people from Takeo and Phnom Penh who were detained in Wat Angk Serei Muni were taken to be killed at Prey Sokhon based on the accusation that they were enemies.<sup>966</sup> All the Khmer Krom families who were detained in Wat Angk Serei Muni were taken in groups to be killed at Prey Sokhon<sup>967</sup> within 10 or fewer days of their arrival until none of them remained.<sup>968</sup> Other evacuees were transferred to different villages or were accused of being enemies and were also killed like the Khmer Krom people.<sup>969</sup> Witness VORNG Nob stated that he saw soldiers walking at least 10 prisoners every day past his house towards Prey Sokhon during the two or three month period from May or June 1975.<sup>970</sup> Many prisoners who were walked to Prey Sokhon were never seen again.<sup>971</sup> One witness stated that around four months before the Vietnamese arrived, he saw the Khmer Rouge killing many men using clubs from Sangkae (សាំងកៃ) and Sdau (ស្ដៅ) trees to smash them and then they pushed their bodies into pits at Prey Sokhon.<sup>972</sup>
253. Three witnesses saw pits at Prey Sokhon after the end of the Democratic Kampuchea regime.<sup>973</sup> A witness estimated that approximately 4,000 people were killed at Prey Sokhon.<sup>974</sup> Another witness estimated that only around 1,000 families lived at Tuol Kouk Srok and 300 families at Tuol Phum (ទួលភូមិ) when Vietnamese forces arrived in late 1978.<sup>975</sup>

### 2.1.7. WAT KOAS KRALA SECURITY OFFICE

254. Koas Krala (គោសក្រីឡា) Security Office was located in Koas Krala (គោសក្រីឡា) Village, Koas Krala Commune, Kaos Krala District, Battambang Province, Sector 1, the Northwest Zone.<sup>976</sup> This security office was located in the compound of Wat Koas Krala Pagoda<sup>977</sup>, comprising a dining hall which was used as a rice warehouse and a detention hall<sup>978</sup>, a sleeping hall for Khmer Rouge cadres, a study hall, and two detention halls.<sup>979</sup> At Koas Krala Security Office, one pagoda's dining hall was used as a rice mill, and a Pali study hall was used as a detention hall and the house of Khmer Rouge soldiers.<sup>980</sup>
255. Before the Democratic Kampuchea regime, Koas Krala Pagoda was used by LON Nol soldiers as their base,<sup>981</sup> which was surrounded by Khmer Rouge forces during battles.<sup>982</sup> Koas Krala Pagoda was used as a security office when the Southwest cadres arrived.<sup>983</sup> This office was operated by the Southwest cadres in late 1978 before the arrival of the Vietnamese forces.<sup>984</sup> Many

- witnesses clarified that this security office was established upon the arrival of the Southwest cadres,<sup>985</sup> approximately four to six months before the liberation by the Vietnamese forces.<sup>986</sup> Another witness stated that Koas Krala Security Office was in operation until late 1978.<sup>987</sup> Another witness, PEI Poeut (ប៊ី ព្រឺត), who was arrested and sent to Koas Krala Pagoda, stated that Koas Krala Security Office was dissolved at the end of the Khmer Rouge regime.<sup>988</sup>
256. Koas Krala Security Office was under the control of the district.<sup>989</sup> Witness SĂO Choab (សៅ ជាប់), who was a former Khmer Rouge soldier in Koas Krala District, stated that Koas Krala Security Office was under the responsibility of Phên (ហ៊ែន), who was appointed by the military, and was under the control of the district.<sup>990</sup> Witness CHHAN Launh (ឆន ឡូញ) heard from others that *Ta Yan* (យ៉ាន) was the chairperson of Koas Krala Cooperative for approximately one year before he was arrested and taken to be killed in 1976 or 1977.<sup>991</sup> Witness SĂO Choab stated that *Ta Yeun* (យ៉ែន) was in charge of the cooperative in Koas Krala District until 1978<sup>992</sup>, and later *Ta Kim* (គីម), a Southwest cadre, replaced *Ta Yeun* as the chairperson of Koas Krala Village Cooperative.<sup>993</sup> Kim (គីម) and Paong (ហ៊ាំង) issued orders to soldiers to arrest and take people to be kept at Koas Krala Pagoda.<sup>994</sup>
257. Witness SĂO Choab clarified that Koas Krala Security Office was established to detain the Northwest cadres who made mistakes.<sup>995</sup> Another witness stated that serious offenders were taken to be detained at Koas Krala Security Office.<sup>996</sup> The offenders who were arrested included the people who were considered as “traitors with Yuon heads and Khmer bodies”,<sup>997</sup> former LON Nol soldiers or teachers and their families,<sup>998</sup> as well as former Northwest cadres and their relatives.<sup>999</sup> Another witness PEI Poeut stated that his/her father was arrested and sent to Koas Krala Security Office after the Khmer Rouge announced that people should “select only good rice grains and good milled rice grains and remove bad grains”.<sup>1000</sup>
258. Actually, the Northwest cadres such as *Ta Yan*, who was the Koas Krala Cooperative Chairperson, were arrested in probably 1976 or 1977<sup>1001</sup> after the arrival of the Southwest cadres.<sup>1002</sup> Witness TUM Pheuy (តុំ ហើយ) saw the Southwest cadres arresting and transporting the family of the chairperson of the dining hall of Punley (ពន្លៃ) Village, who was a Northwest cadre, and tying up other people in rows to be taken to Koas Krala Security Office.<sup>1003</sup> Other witnesses consistently stated that they saw the Northwest cadres being arrested, tied up, and escorted in lines<sup>1004</sup> of around 10 people to Koas Krala Pagoda whilst militiamen were pointing their rifles at them.<sup>1005</sup>

259. Most of the people arrested were transported on ox carts to be detained at Koas Krala Security Office.<sup>1006</sup> A witness who used to work in a mobile unit described how shortly before the arrival of the Vietnamese, he saw a couple who could not speak Khmer well, had fair complexions and had a Vietnamese appearance, transported in a cart to be kept at Koas Krala Security Office.<sup>1007</sup> Another witness who was a former cart driver stated that perhaps in June or July 1978 he was assigned by the Southwest cadres to transport four people including *Yeay* Soeum (ឃើង) and her two children, and later to transport *Ta* Yat (យ៉ាត) to Koas Krala Pagoda; however, when he reached Doun Ba (ដូនបា) Pagoda, he was stopped by soldiers, and those soldiers drove the ox cart onwards.<sup>1008</sup> Witness TUM Pheuy clarified that in late 1978 Am (អំ), the Deputy Village Chief, ordered him to use an ox cart to transport the family members of *Ta* Haul (ហ្លួល) and *Ta* Hi (ហី), totalling around 12 people, to Koas Krala Pagoda.<sup>1009</sup>
260. Witness PEI Poeut, who was detained in Koas Krala Security Office, estimated that at least 200 to 300 prisoners were detained in this security office.<sup>1010</sup> Each time prisoners were killed, those prisoners were tied up by soldiers in lines of 10, and then they were walked out to be killed.<sup>1011</sup> Soldiers came in to take prisoners out of the detention facilities of Koas Krala Security Office, and they returned with blood stains on their hands.<sup>1012</sup> None of the people taken to Koas Krala Security Office survived; Khmer Rouge soldiers arrested all the family members including children, and all of them were taken to be killed.<sup>1013</sup> The witness added that around 100 prisoners were taken from Koas Krala Security Office to be killed, and almost half<sup>1014</sup> of those prisoners were his relatives because the Southwest cadres considered his family as traitors.<sup>1015</sup>
261. Many witnesses stated that at the end of the Democratic Kampuchea regime, people discovered corpses in different stages of decomposition, human bones, and the clothes of those corpses when those people excavated pits in order to search for gold,<sup>1016</sup> and there were many pits in the compound of Koas Krala pagoda.<sup>1017</sup> The witness stated that there were around 10 pits, each of which contained approximately 20 to 30 corpses.<sup>1018</sup> The witness estimated that hundreds of corpses were discovered there.<sup>1019</sup>
262. Evidence shows that there were pits outside the pagoda compound.<sup>1020</sup> Each pit measured around 5 metres in width and around 6 metres in length,<sup>1021</sup> but other witnesses stated that each pit measured around 3 metres in width, around 4 metres in length, and around 1 metre in depth.<sup>1022</sup> Among those pits, there were many small pits, and mass graves, and bomb craters outside the compound of Koas Krala Pagoda which were all used for burying corpses.<sup>1023</sup> In those pits, human bones and human skulls of both adults and children were found.<sup>1024</sup>
263. No witness confirmed that there were reports or orders by *Ta* Tith, or that they knew *Ta* Tith even if OCIJ mentioned his name.<sup>1025</sup>

### 2.1.8. THIPAKDEI COOPERATIVE (INCLUDING WAT THIPAKDEI SECURITY OFFICE)

264. The security office was located in Wat Thipakdei (វត្តប៊ុតី) Pagoda on the top of the mountain in Damnak Angsaeng (ដំណាក់អង្សៀង) Village, Thipakdei Commune, Koas Krala District, Battambang Province, in Sector 1 of the Northwest Zone of Democratic Kampuchea.<sup>1026</sup> This security office was established by the Northwest cadres;<sup>1027</sup> in contrast, the detention facility was established after the arrival of the Southwest cadres in late 1977 in Phnom Thipakdei Pagoda<sup>1028</sup> and was in operation until the arrival of the Vietnamese forces.<sup>1029</sup> However, a witness living in a forest near Phnom Thipakdei believed that Phnom Thipakdei was a village, not a security office.<sup>1030</sup> Another witness who stayed at the monks' dining hall at Phnom Thipakdei did not know whether Phnom Thipakdei was a security office.<sup>1031</sup>
265. Thipakdei Cooperative covered hundreds of hectares,<sup>1032</sup> bordering Châk Kâkoh (ចាក់កោះ) Cooperative to the east, Koas Krala to the south, Keu (កើ) Cooperative to the north, and Tuol Mtes (ទួលម្លេង) to the west.<sup>1033</sup> Phnom Theipakdei Cooperative covered the rice fields in Svay Sa (ស្វាយសា), Cheung Tenh (ជើងទិញ), Ta Thok (តាថុក), Phnom Thipakdei, and Tuol Mtes.<sup>1034</sup> Phnom Thipakdei Cooperative was under the control of Koas Krala District.<sup>1035</sup>
266. Three witnesses stated that initially the Southwest cadres worked with the Northwest cadres normally without announcing any changes; however, later the Northwest cadres<sup>1036</sup> disappeared and were replaced by the Southwest cadres.<sup>1037</sup> A witness living in Thipakdei Commune clarified that the Southwest cadres arrived in early 1977.<sup>1038</sup>
267. In 1977, in perhaps February, LĒKH Phiv (លេខ ភីវ) was appointed by Ta Pet (ប៉ែត) as the of Thipakdei Cooperative Chairperson,<sup>1039</sup> and at that time Yeun (យ៉ែន) was the secretary of Koas Krala District.<sup>1040</sup> However, after the arrival of the Southwest cadres, Ta Son (សុន) was appointed to replace on the order of Ta Nĕn (ណេន) and Ta Thon (ថុន), who served on the District Committee.<sup>1041</sup> Ta Khloeb (ខ្លឹប), Ta Khoeun (ខ្សែន), and Ta Phân (ផាន) served on the Commune Committee; Ta Yăn (យ៉ាន) was a commune soldier; Ta Lĕng (ឡេង) served on the District Committee; Ta Pak (ប៉ាក់) was the District Military Chairperson; and Ta Vanh (វ៉ាញ) was the Sector 1 Secretary.<sup>1042</sup>

268. In approximately February 1977, the Thipakdei Cooperative Chairperson stated that the cooperative had over 30,000 people, including Phnom Penh evacuees; Cham, Chinese and Vietnamese people; and the people of other ethnicities.<sup>1043</sup> The witness added that 10 people were given three cans per meal.<sup>1044</sup> Villagers did not have sufficient food, but workers were given sufficient food.<sup>1045</sup>
269. A witness who was sent to live at Phnom Thipakdei stated that the living conditions of the people there were harsh, and those people were assigned to do different work such as harvesting rice, doing rice field work, transplanting rice seedlings, and building dikes without rest,<sup>1046</sup> without sufficient food,<sup>1047</sup> and without medical treatment.<sup>1048</sup> The witness added that such conditions continued until the arrival of the Vietnamese forces.<sup>1049</sup>
270. People disappearances occurred normally in Thipakdei Cooperative during the Khmer Rouge regime. In fact, a Civil Party Applicant stated that perhaps in mid-1978, during the ploughing season, he saw that a young man in the ploughing unit was told by the Khmer Rouge to plough at other places, and he disappeared.<sup>1050</sup> A witness stated that after the arrival of the Southwest cadres, three women were taken to thresh rice in a village near Phnom Thipakdei, and the three women never returned. Based on the inference by the witness, those women were all taken to be killed.<sup>1051</sup>
271. A witness stated that in late 1978, he and approximately 30 and 40 people were transferred from the flooded forests to work at Phnom Thipakdei in order to produce natural fertiliser by mixing human faeces with the soil from termite mounds and *tuntreat khet* (ទ្រព្យខ្មែរត្រី) plants.<sup>1052</sup> The witness added that whilst he was making natural fertiliser at Phnom Thipakdei, he was arrested and detained at Phnom Thipakdei, which was around 30 to 40 metres away from the dining hall.<sup>1053</sup> He did not know the number of the detainees there because the detainees were kept separately.<sup>1054</sup> The witness was released by the unit chairperson, Yang (យ៉ាង), who told him that all the detainees there would be taken to be killed.<sup>1055</sup> Another witness stated that in late 1978 he was arrested by Southwest militiamen and sent to be detained in Phnom Thipakdei Pagoda because they considered him an enemy.<sup>1056</sup>
272. A witness who used to work in a mobile unit near Thipakdei Pagoda stated that the Northwest cadres assigned people to do hard labour and mistreated people,<sup>1057</sup> and he also saw people being arrested, and human livers being hung up.<sup>1058</sup> A witness saw prisoners' heads covered with plastic bags and their legs were shackled, and those prisoners were taken away at night and, as a result, the number of prisoners declined.<sup>1059</sup> All the remaining prisoners were released from this office before the arrival of the Southwest cadres.<sup>1060</sup> The victim was arrested and detained by the Northwest cadres; however, 10 days later the Southwest cadres released him.<sup>1061</sup> The witness further stated that around 100 prisoners, both male and female, were detained in the detention hall which was located at the foot of Phnom Thipakdei.<sup>1062</sup>

273. The prisoners in Thipakdei Security Office periodically disappeared or were killed. Witness KHIN Khien (ឃីន ឃីន) stated that in late 1978 the prisoners there fell ill, and most of them died,<sup>1063</sup> and only few of them survived. The other prisoners were taken to be killed in groups of two or three at a time. Equal numbers of new prisoners were brought in to replace the 'old' prisoners.<sup>1064</sup> The witness added that the Khmer Rouge killed those prisoners by smashing them with clubs and pushing them into the pits dug by the prisoners which were located around 500 metres from that warehouse.<sup>1065</sup> The same witness noticed that a total of around 100 prisoners were killed in a period of four months.<sup>1066</sup>
274. Witness UY Chenda (អ៊ឹម ចិន្តា) stated that, in general during the Khmer Rouge regime, those who were arrested and sent to Phnom Thipakdei Security Office were killed. Many corpses were buried in one mass grave near Phnom Thipakdei.<sup>1067</sup> The witness added that more people were killed after the Southwest cadres arrived.<sup>1068</sup> He saw pits near the foot of the mountain behind Thmei Village; however, he did not see corpses. He only saw the graves which had just been newly covered and smelled of those corpses.<sup>1069</sup> The witness added that all the prisoners were taken to be killed behind Thmei Village and all the villagers near that area were aware of the killings.<sup>1070</sup> The witness stated that most of the people who lived in Thmei Village were Khmer Krom people, and the Khmer Rouge treated Khmer Krom people in the same way as other ordinary people.<sup>1071</sup>
275. Many witnesses, including Yean (យ៉ាន), who did rice field work in a mobile unit near Phnom Thipakdei, stated that they had heard of **Ta Tith**,<sup>1072</sup> but they did not know about his role. A witness clarified that s/he did not see any Southwest cadre visiting his/her worksite.<sup>1073</sup>

### 2.1.9. KANG HORT DAM WORKSITE

276. Kang Hort (កង្កត់) or Ka Hort (កាហត់) Dam Worksite<sup>1074</sup> was located in Kang Hort Village, Kang Hort Commune (now Kantueu Muoy (កង្កើត) Commune), Sangkae District, Sector 1 of the Northwest Zone.<sup>1075</sup> Some people called Kang Hort Dam Worksite “Kang Hort Sluice Gate”.<sup>1076</sup> Kang Hort Dam Worksite was established around mid-1976,<sup>1077</sup> and was operational until the collapse of the Democratic Kampuchea regime.<sup>1078</sup> Kang Hort Dam Worksite was under the control of Sector 1.<sup>1079</sup>
277. Initially, *Ta Say* (សាយ) was the Sector 1 Secretary and was the first person to be in charge of Kang Hort Dam.<sup>1080</sup> The subsequent cadres to be in charge included: *Ta Vanh* (វ៉ាញ), *Ta Saman* (សាម៉ាន), *Ta Pet* (ប៉ែត), and **Ta Tith**.<sup>1081</sup> Whilst *Ta Vanh* was in charge, he stayed and worked at the 40-pillar house, located around 150 metres east of Kang Hort Worksite.<sup>1082</sup> Later, *Ta Vanh* was

- accused of rebelling and disappeared. *Ta* Pet, alias Heng Teav (ហេង ទាវ), was in charge over there for around one year before the arrival of *Ta* Tith.<sup>1083</sup> It was suggested that under the control of *Ta* Pet people were given cooked rice to eat and not mistreated.<sup>1084</sup> *Ta* Tith stayed at Kang Hort dam and was in charge of Sector 1.<sup>1085</sup> After *Ta* Tith arrived, no cadre were changed.<sup>1086</sup>
278. Kang Hort dam was used to distribute water to almost all the important areas in Sector 1, such as Tuol Andaet (ត្នោតអណ្តែត), Spung (ស្បង់), Koah Savat (កោះសាវាតិ), and Kang Hort.<sup>1087</sup> Based on the geographical features of Kang Hort dam, east of the dam was a long canal, which was around 2 kilometres long, stretching up to Kraloeng Dom<sup>1088</sup> (ក្រុងដំដុំ) and beyond to connect with Tuol Mtes<sup>1089</sup> and another canal extended up to Cheung Tenh.<sup>1090</sup>
279. Initially, Kang Hort dam was under the direct the authority of Northwest cadres.<sup>1091</sup> However, later they were replaced by the cadres sent from the Southwest Zone in late 1978.<sup>1092</sup> When the Southwest groups arrived, large numbers of Northwest cadres were continually arrested, including from unit chief level up to sector level cadres, and the arrests were made almost every night.<sup>1093</sup>
280. Kang Hort dam was a dam across the Sangkae River which was over 20 metres high, 70 metres wide, and 100 metres long.<sup>1094</sup> Some witnesses stated that Tuol Andaet was also a part of Kang Hort Dam Worksite.<sup>1095</sup> Tuol Andaet was used as a sleeping place<sup>1096</sup> for the workers at Kang Hort Dam and for storing materials and broken machinery from Kang Hort dam.<sup>1097</sup> In approximately May 1977, a 10-metre-long<sup>1098</sup> section of the top layer of the newly built Kang Hort Dam collapsed whilst people were working downstream near the dam.<sup>1099</sup> VĂN Chea (វ៉ាន់ ជ័រ), a former mobile unit worker, stated that “*around 10 to 20 workers were killed at that time ... I saw the fierce flow of water through the collapsed section of the dam. The dam collapse occurred at around 4 p.m. or 5 p.m.*”<sup>1100</sup> Another witness stated that “*the (Kang Hort) dam collapse occurred twice*”.<sup>1101</sup>
281. At Kang Hort Dam Worksite, some mobile unit workers did not have any building to stay in; thus, they used plastic sheets to build makeshift roofs to sleep under; whereas some others slept in hammocks, and some other mobile unit workers stayed in halls made from wood and zinc sheets.<sup>1102</sup> Men and women had to stay separately to avoid moral offences. Meanwhile, some mobile unit workers also stayed only around 40 metres away from Kang Hort sluice gate.<sup>1103</sup>
282. The work at Kang Hort dam was done day and night.<sup>1104</sup> Workers worked from 7 a.m. to 11 a.m., when they had lunch, and then they worked from 1 p.m. to 5 p.m., when they had dinner, and at night they worked from 7.30 p.m. to 11 p.m.<sup>1105</sup> As regards food rations, at Kang Hort Dam Worksite, each worker

received two meals per day, and for one meal each worker was given thick rice gruel, and for the other meal each worker was given thin watery rice gruel.<sup>1106</sup> Actually, the food rations were insufficient,<sup>1107</sup> and as a consequence many workers at this worksite died from starvation. Nevertheless, the workers at Kang Hort Worksite never complained about the hardships, and if anyone dared to complain, that person would be arrested and sent to Banan Detention Centre.<sup>1108</sup> Most of the people who were arrested and sent to be detained in Banan prison died; a small number of them were released.<sup>1109</sup>

283. Many witnesses stated that many people were arrested and sent to work at Kang Hort Dam Worksite.<sup>1110</sup> Whilst people were working, soldiers armed with rifles stood guard at the worksite.<sup>1111</sup> The working conditions at the site prior to and after the arrival of the Southwest cadres were not significantly different.<sup>1112</sup> In fact, at the beginning, upon the arrival of the Southwest cadres, they worked together with the Northwest cadres; however, subsequently, the Southwest groups led the Northwest groups<sup>1113</sup> because, after the arrival of the Southwest cadres, the Northwest cadres ranging from unit chief cadres to sector level cadres were continually arrested and sent to study and disappeared; only those who were believed to be useful survived.<sup>1114</sup> Even though workers at Kang Hort Dam Worksite really disappeared, no witness saw killings first hand.<sup>1115</sup> The Northwest group did not like the Southwest group, and a witness stated that *“during that period, many Southwest cadres were lost because the Northwest cadres did not like them”*.<sup>1116</sup>
284. After the arrival of the Southwest cadres, the Northwest cadres gradually disappeared; they were often arrested and taken away in lines at night.<sup>1117</sup> Meanwhile, a witness stated that all those who were arrested and escorted away were probably killed because he saw corpses near a termite mound in a forest whilst he was looking for firewood, and those corpses belonged to both men, women, and children, and the hands of some corpses were tied up.<sup>1118</sup>
285. If a person was lazy, they would be reported to the 50-member unit and that the unit would report to the 100-member unit which would report to another upper level and then they received orders which they would implement.<sup>1119</sup> A witness described an instruction given to those committing mistakes, *“if you fall ill, you must inform us that you have fallen ill, and if you wish to visit your family, you must ask for permission from your chairperson in advance.”*<sup>1120</sup> If anyone dared to visit his/her family secretly and was discovered by *Angkar*, that person would be taken to be killed.<sup>1121</sup> Another witness who was a former unit chairperson at Kang Hort dam stated that *“sometimes, mobile unit workers needed to take milled rice or cooked rice to their parents, and they asked for permission from us, and we provided permission upon their request”*.<sup>1122</sup> If a person frequently fell ill, that person was considered as an enemy; however, that person was not arrested, they were just advised and educated to refashion themselves and to work hard for *Angkar*.<sup>1123</sup>
286. There was no specific data about the number of workers at Kang Hort dam; however, some witnesses stated that thousands of people worked at Kang Hort dam,<sup>1124</sup> and others stated that tens of thousands of people worked there.<sup>1125</sup> The

workers who participated in building Kang Hort dam included the members of adult units, male and female youth units, and children's units.<sup>1126</sup> Members of absolute units also worked at the dam worksite; absolute units were different from normal mobile units in that “*absolute units had to complete the work that they were assigned to do*”<sup>1127</sup>. In addition, absolute units had the authority to arrest any mobile unit workers who committed mistakes.<sup>1128</sup>

287. Between 1977 and 1978, at Kang Hort Dam Worksite, Khmer Krom were also killed. According to the estimate by a witness, around two to three Khmer Krom people were taken to be killed almost every day.<sup>1129</sup> In late 1978, approximately three months prior to the collapse of the Democratic Kampuchea regime, people were arrested and detained at the 40-pillar house near Kang Hort Dam and such arrests continued on a full scale.<sup>1130</sup> In some cases, when a young man talked to a girl, that could lead to an arrest and killing on the pretext of committing a moral offence.<sup>1131</sup>
288. As regards the young people working at Kang Hort dam, if at night they were requested to attend meetings or to study, they were never seen again.<sup>1132</sup> Even though the Democratic Kampuchea regime was on the brink of collapse, the killings at Kang Hort Dam Worksite continued.<sup>1133</sup> In some cases, if they caught a person stealing food such as picking oranges, that person was sent to dig around 30 pits before that person was released.<sup>1134</sup>
289. Shortly after **Ta Tith** came to Kang Hort Dam Worksite, *Ta Prum* (ត្រាំ) was arrested. Witness CHHOEUN Bean (ហៀង ប៊ែន) stated that “two weeks after **Ta Tith** was in power, *Ta Prum* was arrested”.<sup>1135</sup> Later, in August or September 1977, in a meeting **Ta Tith** introduced himself as the Sector 1 Committee Chairperson.<sup>1136</sup> In a meeting at Kang Hort Dam Worksite attended by around 800 people, village chairpersons, commune chairpersons, and district chairpersons, an announcement was made about the presence of **Ta Tith** and his role to help lead Sector 1.<sup>1137</sup> **Ta Tith** also spoke about encouraging people and about the attacks by hidden enemies.<sup>1138</sup>
290. According to a witness, **Ta Tith** came to take charge of Kang Hort Dam Worksite in November or December 1977.<sup>1139</sup> Several witnesses stated that **Ta Tith** came to inspect Kang Hort Dam Worksite.<sup>1140</sup> Under **Ta Tith**'s tenure, a witness estimated that around 70 percent of all the people in villages died from starvation and illness.<sup>1141</sup> On the contrary, a witness who was a former worker at Kang Hort dam stated that “we had sufficient food and they also fed us well”.<sup>1142</sup>
291. Many witnesses who worked at Kang Hort Dam said that they neither saw nor knew **Ta Tith**.<sup>1143</sup> At the same time, some other witnesses claimed that **Ta Tith** was gentle.<sup>1144</sup> Whilst **Ta Tith** was there, they did not see any arrests.<sup>1145</sup> Even when the regime was about to collapse, **Ta Tith** continued to encourage people to work hard to build dams and grow rice in order to develop the country in order “**to prevent enemies from attacking or starving us**”.<sup>1146</sup>

292. Witness CHHOEUN Bean stated, “I saw **Ta Tith** inspecting the work (at Kang Hort Dam Worksite) at that time, and sometimes, he walked to inspect the work with Ta Mok, who visited once in a while”.<sup>1147</sup> As regards the presence of **Ta Tith** at Kang Hort Dam Worksite, witness CHHOEUN Bean added, “as regards the number of visits, it was countless because he inspected the work at Kang Hort Dam Worksite every day”.<sup>1148</sup>

### 2.1.10. BANAN SECURITY OFFICE

293. Banan (បាណន់) Security Office was located in Chhay Rompoat (គោយរំពាត់) Village, Kanteu Pir (កន្ទីង) Commune, Sangkae District, Battambang Province, Sector 1 of the Northwest Zone.<sup>1149</sup> Banan Security Office was surrounded with barbed wire, located outside the compound of Banan Krom (បាណន់ក្រោម) Pagoda, and right in front of the path down from Banan temple.<sup>1150</sup> Initially, the location of Banan Security Office was the police office during the Khmer Republic regime.<sup>1151</sup> Banan Security Office was established in 1975 and was operational until mid-1978.<sup>1152</sup> It was a district-level security office.<sup>1153</sup>
294. According to witness testimonies, initially Banan Security Office was under the control of the district military;<sup>1154</sup> however, in 1978, this security office was placed under the control of the sector.<sup>1155</sup> Witness CHHEANG Hea (ណាង ហ៊ឹម), a former bodyguard of Ta Pet, said that he heard that Banan District Security Office was changed into a sector-level security office after the arrival of the Southwest cadres.<sup>1156</sup>
295. Inside the compound of Banan Security Office, there were four buildings: three detention buildings and one interrogation building.<sup>1157</sup> The offenders at Banan Security Office were classified into two categories: light offenders and serious offenders.<sup>1158</sup> Light offenders were detained in a long hall with a roof of zinc sheets measuring around 5 metres in width and around 10 metres in length. Serious offenders were detained in an underground prison measuring around 3 metres in width and 4 metres in length, and those offenders never saw sunlight.<sup>1159</sup> The interrogation hall, including its walls and roof, was fully covered with zinc sheets, measured around 3 metres in width and 6 metres length, and was located around 30 metres away from the detention hall.<sup>1160</sup> Around 1 kilometre away from the foot of Phnom Banan there was a killing site.<sup>1161</sup>
296. The conditions for detainees at Banan Security Office were not sanitary at all, and there was not even a toilet.<sup>1162</sup> When detainees needed to relieve themselves, they had to defecate into metal boxes or buckets, and took the faeces to be dumped nearby, which created an overpowering stink.<sup>1163</sup>
297. The prisoners at Banan Security Office included former government officials, soldiers, and cadres of the Northwest Zone.<sup>1164</sup> Witness VOR Ruom (វ៉ែរ រួម), a former guard at Banan security office, stated that the security office held four

types of prisoners: (1) those who fled from various provinces, (2) those who committed moral offences, (3) those who stole potatoes, chickens and ducks, and (4) serious offenders who had connections with LON Nol soldiers.<sup>1165</sup>

298. There were both male and female prisoners at this security office, but they were detained separately.<sup>1166</sup> The workers at Kang Hort Dam who made mistakes were arrested and sent to Banan security office as well.<sup>1167</sup> As regards the killings at Banan, even inside the moats of Phnom Banan, many people were killed over there.<sup>1168</sup> There were between 50 and 350 prisoners.<sup>1169</sup> Most of the prisoners at Banan Security Office were adults who had been arrested and sent to this security office.<sup>1170</sup> The prisoners at Banan were arrested and brought into this security office almost every day.<sup>1171</sup>
299. The food rations for detainees were insufficient. Prisoners were given watery rice gruel two times per day, in the morning and in the evening, but they were given no food at night.<sup>1172</sup> The prisoners at Banan Security Office were mistreated and tortured, being given nothing to eat but potato plants.<sup>1173</sup> In sum, the food rations for the prisoners at Banan consisted of only milled rice mixed with unboiled water and rotten vegetables, and watery rice gruel with potato plants.<sup>1174</sup> In addition, sometimes the Khmer Rouge gave only watery rice gruel and they added rotten vegetables which contained worms.<sup>1175</sup>
300. Prisoners were shackled around their legs to tether them to one place.<sup>1176</sup> Prisoners were tortured in many ways; for example, they were beaten with clubs and their heads were covered with plastic bags to be suffocated before they were interrogated.<sup>1177</sup> It was estimated that hundreds of prisoners in this security office were placed in leg shackles.<sup>1178</sup>
301. When the upper echelons visited the security office, they told the prisoners to lie down, not to sit or to talk to one another, and if any prisoner did not follow the orders, that prisoner was tortured by being beaten with clubs or bike locks.<sup>1179</sup> The prisoners at Banan were interrogated once per week.<sup>1180</sup> Some prisoners were also released; however, those prisoners were required to swear that they would not take revenge.<sup>1181</sup>
302. Many people were considered as offenders and were detained and killed at Banan security office.<sup>1182</sup> Mostly, the killings at Banan Security Office were conducted at night with the people being transported away on horse carts and trucks with their hands cuffed.<sup>1183</sup> Mostly they killed people by using axes (to cut their throats), bayonets, and hoes.<sup>1184</sup> In addition, many detainees at Banan died from starvation.<sup>1185</sup> Witness testimonies show that under the control of the Northwest cadres many female prisoners were raped before being killed; however, after the arrival of the Southwest cadres, the discipline was strengthened; if they knew that anyone or any group committed such acts, they would be taken to be killed.<sup>1186</sup>
303. When the Khmer Rouge took the prisoners at Banan Security Office to be killed, they tied up those prisoners in lines and escorted them out of Banan Security Office and those prisoners disappeared.<sup>1187</sup> At times, prisoners were taken to be killed almost every day.<sup>1188</sup> On the contrary, witness VOR Ruom

stated that there were no killings at Banan Prison, but prisoners died from starvation.<sup>1189</sup> Actually, many corpses were seen north of Phnom Banan because those corpses were left scattered on the ground without being buried.<sup>1190</sup> Because of such a situation, some prisoners at Wat Banan Security Office were required to work with their hands cuffed and to take part in carrying the corpses of the prisoners who had just been killed to be properly buried.<sup>1191</sup> As regards the killings at Banan Security Office, after the collapse of the Democratic Kampuchea regime, many human bones and skulls were left scattered around Wat Banan Pagoda.<sup>1192</sup>

304. In early 1977, there was an incident in which 12 serious offenders fled the security office; however, only two of them were recaptured and were taken to be killed.<sup>1193</sup> Later, in mid-1978, the killings at Banan Security Office increased dramatically.<sup>1194</sup>

### 2.1.11. KHNANG KOU SECURITY OFFICE

305. Khnang Kou (ខ្នងកូ) Security Office or Khnang Kou Prison was located in Banan Village, Kanteu Pir Commune, Sangkae District, Battambang Province.<sup>1195</sup> This security office was located east of Sangkae River, and was on the other side of the river, opposite Banan Security Office.<sup>1196</sup> Khnang Kou Security Office was around 40 to 50 metres away from the bridge across the river.<sup>1197</sup> This security office was around 30 kilometres south of Battambang town.<sup>1198</sup>
306. Khnang Kou Security Office was 100 metres long, in an east-west direction, and 60 metres to 70 metres wide, in a north-south direction, and the compound of this security office was surrounded with bamboo fences.<sup>1199</sup> People could enter the compound through those fences; however, no-one dared to get close to that place, and the bamboo fences were around 1.5 metres high.<sup>1200</sup> Inside the compound of this office, there was a detention building which was around 30 to 50 metres in length, in an east-west direction, and around 15 to 20 metres in width, in a north-south direction.<sup>1201</sup> The detention hall was a wooden building with a roof of zinc sheets; its floor was covered with floor sheets; and its doors were at the eastern and western ends of the hall.<sup>1202</sup> In addition, there was a dining hall,<sup>1203</sup> a milled rice warehouse,<sup>1204</sup> an office house,<sup>1205</sup> a sleeping hall for guards, and an interrogation hall.<sup>1206</sup> Evidence shows that outside the compound of Khnang Kou Security Office was an execution site known as Kou Kandal (កូកណ្តាល) which comprised of two killing sites,<sup>1207</sup> and there were two other execution sites west of Khnang Kou prison.<sup>1208</sup>
307. Khnang Kou Security Office was established probably in mid-1976<sup>1209</sup> or in 1977.<sup>1210</sup> This security office was established because Banan Prison was moved to this location during the tenure of the Northwest cadres.<sup>1211</sup> Nevertheless, some witnesses stated that Khnang Kou Security Office was established after the arrival of the Southwest cadres in late 1977<sup>1212</sup> or in mid-1978, and at that time the prisoners at Banan Security Office were transferred across the river to be kept at Khnang Kou, which was on the eastern side of Sangkae River.<sup>1213</sup>

This security office was operational until the end of the Democratic Kampuchea regime.<sup>1214</sup>

308. Khnang Kou Security Office was under the control of the district,<sup>1215</sup> and later this security office was placed under the control of the sector.<sup>1216</sup> The different justifications for the claim that this prison was a sector-level security office include the fact that sector cadres came to take charge and district soldiers were transferred away,<sup>1217</sup> or many people were detained in that prison,<sup>1218</sup> or prisoners were brought in from different areas in the sector.<sup>1219</sup> Witness PHOEUK Lam (ហ្នឹង ឡាម), a former prisoner at Khnang Kou Security Office, stated that Suom (ស្នូម) was the Khnang Kou Security Office Chairperson.<sup>1220</sup> Another witness CHHOEUNG Bean, who used to be in the same military unit with Suom, stated that Suom was the Khnang Kou Security Office Vice-Chairperson; however, the witness did not remember the name of the chairperson of Khnang Kou even though Suom told the witness the name of his chairperson.<sup>1221</sup> The Security Office Interrogator was Soeun<sup>1222</sup> (ស៊ុន), and most of the arrests were made by militiamen.<sup>1223</sup>
309. Witness VOR Ruom clarified that Khnang Kou Security Office was larger than Banan Prison, and there were both farmers and offenders and young babies aged from 1 month to 10 years old who were brought in with their parents.<sup>1224</sup> There were four types of offenders: the offenders who fled from other provinces, the offenders who committed moral offences, the offenders who stole food, and former soldiers of the LON Nol regime.<sup>1225</sup>
310. Khnang Kou Security Office could hold between 100 to 200 prisoners<sup>1226</sup> who were Northwest cadres,<sup>1227</sup> local people from Tuol Mtes Cooperative in Sector 1,<sup>1228</sup> farmers from Kdaong (ក្តោង) Cooperative in Sector 3,<sup>1229</sup> as well as Vietnamese people from Banan District.<sup>1230</sup> Actually, witness PHOEUK Lam, a former prisoner at this security office, described how from mid-1978 to late 1978 militiamen from Banan District gathered and arrested all the Vietnamese families in all the villages in Chheu Teal (ឈើទាល) Commune, Banan District.<sup>1231</sup> Another witness stated that he saw prisoners being transferred from Banan Prison across the river to be kept at Khnang Kou.<sup>1232</sup>
311. The prisoners in this security office were shackled by their legs,<sup>1233</sup> and male and female prisoners were detained separately, being separated by walls made from sacks.<sup>1234</sup> Prisoners were tortured every day<sup>1235</sup> by being beaten and being forced to do hard labour<sup>1236</sup> or being beaten during interrogations to confess about their actions; some prisoners were beaten until they died.<sup>1237</sup> Witness KIM Chat (គឹម ចាត), a former prisoner at Khnang Kou Security Office, stated that prisoners were tortured. With their heads and faces being covered with plastic bags, they were beaten until they fainted, and when regaining consciousness, those prisoners were taken to be interrogated.<sup>1238</sup>

312. Prisoners were forced to work from 8 a.m. until a lunch break and resumed working from 1 p.m. to 5 p.m.<sup>1239</sup> However, the food rations for prisoners were insufficient as they were given only watery rice gruel mixed with salt; whereas the food rations for the guards at the detention centre consisted of cooked rice, beef or pork.<sup>1240</sup> Some prisoners were so hungry that they picked up the skins of cassava that had been thrown away to eat.<sup>1241</sup> Ill prisoners did not receive any medical treatment.<sup>1242</sup> This caused many prisoners to die in the detention centre.<sup>1243</sup> Witness PHOEUK Lam added that she was arrested and detained in Khnang Kou Security Office from when she was two months pregnant until she gave birth to her child.<sup>1244</sup>
313. Evidence shows that the Khmer Rouge took prisoners to be killed once every two to three days, and subsequently new prisoners were brought into this security office.<sup>1245</sup> A witness stated that s/he had heard that people were arrested and sent there; however, those people were never seen again.<sup>1246</sup>
314. The witness added that perhaps prior to the arrival of the Vietnamese, s/he saw over 30 prisoners being escorted out of Khnang Kou Security Office to be killed in rice fields near this security office.<sup>1247</sup> The witness added two days later s/he saw the corpses of those prisoners lying in a circle in the rice fields where the prisoners had been taken to be killed.<sup>1248</sup>
315. Witness VY Phăn (វី ផាន់) stated that shortly before the arrival of the Vietnamese forces, around 60 prisoners at Khnang Kou Security Office were taken by the Khmer Rouge to be killed at a pond nearby.<sup>1249</sup> The witness added that among those prisoners only one man survived; all the corpses were cremated by the people.<sup>1250</sup> The witness was aware of the killings of those prisoners because of the order from Phan (ផាន់), who served on the Kanteu Pir Commune Committee, to the security office personnel to take all the prisoners to be killed.<sup>1251</sup>
316. Three witnesses stated that when the Vietnamese arrived in Battambang many prisoners at Khnang Kou Security Office were taken to be killed at Kou Kandal.<sup>1252</sup> The witnesses added that there were four sites where prisoners were taken to be killed, with three sites located at Kou Kandal, which was located around 600 (six hundred) metres east of Khnang Kou prison, and two other sites in the west.<sup>1253</sup>
317. One witness who lived near Khnang Kou probably in 1976 or 1977 stated that s/he had heard that people were arrested and sent there, but they were never seen again; this implied that those people were killed and s/he did not know how those people were killed; however, because s/he had never heard gun shots, those people might have been killed with hoes.<sup>1254</sup> The witness stated that some prisoners died from starvation and illness because it was very hot inside the detention centre.<sup>1255</sup>
318. The witness stated that there were many pits near the prison compound, with each pit containing three to five corpses.<sup>1256</sup> In addition, some witnesses saw

piles of corpses outside the security office compound, which were approximately between 200 to 600 metres away.<sup>1257</sup> Some piles contained hundreds of corpses lying on one another, some other piles contained four to five corpses, and some other piles contained 10 corpses lying on one another.<sup>1258</sup> Witness SUM Voeut (ស៊ុំ វៀត) added that most of the corpses were adults, both male and female, and only a few were children.<sup>1259</sup> Witness HIM Chhongly (ហ៊ឹម ឆុងលី) believed that all those corpses were taken out of Khnang Kou Security Office, and he noticed that those corpses were not killed with bullets.<sup>1260</sup> The witness noticed that the throats of some corpses were cut, and the heads of some others were beaten from behind.<sup>1261</sup>

319. The witness estimated that around 200 corpses were found at all the four killing sites, and those corpses were left over there.<sup>1262</sup> The witness added that s/he did not see the killings first hand, and s/he knew about this because s/he was assigned to burn the clothes of those corpses and was told by the people living near the killing sites.<sup>1263</sup>
320. Witness PHEOUK Lam stated that no females were raped there.<sup>1264</sup> One witness stated that s/he did not know nor see what happened at Khnang Kou Security Office.<sup>1265</sup> Another witness who was a former wood transporting truck driver stated that he transported a disabled person who could not work from Banan Prison, but he did not know the whereabouts of Khnang Kou Prison.<sup>1266</sup> Witness PREN An (ព្រីន អ៊ិន) was told by others that Khnang Kou was a prison, but s/he himself never saw people being sent to Khnang Kou Prison.<sup>1267</sup>

#### 2.1.12. KAMPONG KOL SUGAR FACTORY WORKSITE

321. Kampong Kol (កំពង់គុល) Sugar Factory Worksite was located in Tamiék (តាម៉ែក) Village, Kampong Kol (កំពង់គុល) Commune (current Chaeng Mean Chey (ថ្ងៃងមានជ័យ) Commune), Banan District (current Sangkae District), Battambang Province, in Sector 1 of the Democratic Kampuchea regime;<sup>1268</sup> this factory was a sugar-producing location and was established by the Northwest cadres and was operational until the collapse of the regime in 1979.<sup>1269</sup>
322. Located in an area of around 1 kilometre square,<sup>1270</sup> this factory was around 100 metres to 150 metres<sup>1271</sup> or 200 metres<sup>1272</sup> long, comprising a house for guards; an administrative building measuring 15 metres by 20 metres; a generator building where two generators were kept which measured 15 by 30 metres; a building housing sugar cane squeezing machines and a garage which measured 50 square metres; a lathe workshop measuring 15 metres by 20 metres; a sugar mill measuring 15 metres by 20 metres; a sugar warehouse measuring 40 metres by 20 metres; a machinery warehouse measuring 40 metres by 20 metres; truck scales; huts; a water reservoir;<sup>1273</sup> and four houses for workers and Chinese technical advisers, each of which measured 15 by 20 metres.<sup>1274</sup>

323. Witness LIM Tim (លីម ទឹម), a former guard at Kampong Kol sugar factory, stated that initially Kampong Kol sugar factory was under the control of the Northwest cadres who held the following roles on the factory's committee: *Ta Met* (តៃម៉េត) was the factory chairperson, *Ta Nob* (ណុប) was the vice chairperson, and *Ta Bav* (បាវ) was a member.<sup>1275</sup> *Ta Met*, *Ta Nob*, and *Ta Bav* were arrested by *Ta Mok's* group and disappeared in mid-1978.<sup>1276</sup> *Ta Yan* (យ៉ាន) became the factory chairperson, and *Yeay Sari* (សារី), a Southwest cadre, became the vice-chairperson.<sup>1277</sup> The witness added that a few days later *Ta Yan* was also arrested, being accused of betrayal,<sup>1278</sup> and *Yeay Sari* continued to hold the position of vice-chairperson.<sup>1279</sup> Aeng (អៀង) and Phin (ភីន) replaced *Ta Yan* only a few months before the Vietnamese arrived.<sup>1280</sup>
324. A former guard in the factory stated that Kampong Kol factory was probably under the control of the Centre of the Party, not under the control of the sector.<sup>1281</sup> This is because when there were meetings, *Ta Mok* from the Centre and *Ta Sien* (ស៊ិន) from the zone also attended the meetings.<sup>1282</sup> He further stated that he did not see cadres from the sector attending the meetings.<sup>1283</sup> Besides *Ta Mok* and *Ta Sien*, Aeng and Phin, who came with *Ta Mok*, also attended the meetings, but their roles were not known.<sup>1284</sup> A witness stated that when *Ta Mok* did not visit the factory, Aeng visited the factory on *Ta Mok's* behalf.<sup>1285</sup> He added that each time Aeng came to visit, sometimes he stayed there for two or three nights before going back to Battambang.<sup>1286</sup> The witness stated that he had heard of *Ta Tith* in a meeting in Battambang, but he never saw *Ta Tith* after *Ta Mok* came to the factory.<sup>1287</sup>
325. This factory had a total of around 100 workers, who were divided into four or five groups.<sup>1288</sup> A witness who used to be a worker at Kampong Kol factory from 1976 to 1979 stated that the factory was operational 24 hours per day. In case of urgent work, workers had to work throughout the night.<sup>1289</sup> Another worker stated that workers began working from 5 p.m. to 8 p.m., and workers had to work and eat simultaneously without a break because *Angkar* rushed to meet the plan of producing between three and five tons of sugar.<sup>1290</sup> The same witness stated that if a worker committed a mistake at daytime, that worker was taken away that night.<sup>1291</sup> A witness who was a worker at this factory from 1976 observed that many people disappeared from the factory.<sup>1292</sup>
326. Witness KHAY Chhauy (ខាយ គ្រូយ), who was a worker at the factory probably in late 1976, stated that prior to 1978 people were arrested once in a while; however, after 1978 people were arrested very frequently.<sup>1293</sup> The witness further stated that after 1978, people were arrested once every two or three days, and on one occasion, people were arrested and kept at the administration building<sup>1294</sup> and he was assigned to guard those people.<sup>1295</sup>

327. A witness who was a worker at Kampong Kol sugar factory in probably late 1976 stated that *Ta Kuon* (គួន) and his family, who were Khmer Krom, were taken away by Southwest cadres led by *Yeay Sari* and disappeared.<sup>1296</sup> The witness added that many male workers were arrested and taken away, and their wives remained at their work places,<sup>1297</sup> and later those wives were gathered and taken to live in a village known as “Phum Memay” (widows' village).<sup>1298</sup>
328. The witness stated that around three months before the arrival of the Vietnamese, around 30 Khmer Krom and Vietnamese people were gathered in a hall measuring 8 metres by 30 metres, located next to the house which he guarded for one or two nights.<sup>1299</sup> The witness added that the Khmer Rouge arrested those Khmer Krom and Vietnamese people because they considered those people as “having Yuon connections”,<sup>1300</sup> and those people could be identified because they had fair complexions and spoke Khmer with Vietnamese accents.<sup>1301</sup> The arrests occurred after the witness attended a meeting in Battambang probably in March 1978, when *Ta Tith* was announced as the Northwest Zone Secretary,<sup>1302</sup> and later probably in mid-1978, *Ta Mok* came to visit Kampong Kol sugar factory.<sup>1303</sup>
329. Those Khmer Krom and Vietnamese were transported away in trucks, and when those trucks returned, only clothes were seen inside those trucks.<sup>1304</sup> The witness believed that those Khmer Krom and Vietnamese people were arrested and taken to do rice field work at Boeng Trav (បឹងត្រាវ); however, he heard from soldiers that all those people had been transported to be killed.<sup>1305</sup>
330. A Civil Party Applicant SAM Lēng (សំ ឡេង) clarified that he saw corpses and clothes around 500 metres away from the factory.<sup>1306</sup> He added that some of those corpses had just been killed and some others had been killed long ago, and those corpses were piled up in a state of severe decomposition, and there was an overpowering stink.<sup>1307</sup> The witness stated that there were around 20 to 30 corpses at each site, and the corpses belonged to both children and adults.<sup>1308</sup> A worker said that when he fled the factory in January or February 1978, he saw a pile of 20 to 30 corpses in a rice field which was 500 metres away from the factory.<sup>1309</sup>
331. The two workers above provided similar statements, with one of them stating that he saw a forced marriage ceremony in which 10 couples were married in this factory, and Yan (យ៉ាន) made the announcement during the ceremony and those couples were led to their respective rooms, which were guarded by militiamen on the wedding night. The other worker said that at least 10 couples were forced to get married, and the chairperson of the factory chaired the wedding, and such forced marriages began from 1976 until the collapse of the Khmer Rouge regime.<sup>1310</sup>
332. A witness who worked in the zone military fishing unit during the period of the Northwest's control heard from zone soldiers that *Ta Tith* personally led forces

to inspect the situation at Kampong Kol factory and assigned Yan to be in charge of the factory.<sup>1311</sup> Another witness who was a worker at this factory stated that he had heard of **Ta Tith**, but he never saw him, nor knew about his role.<sup>1312</sup> Witness LIM Tim, a former guard protecting the Chinese at that factory, clarified that prior to the arrest of *Ta Yan* in 1978, in a meeting at Battambang University which was attended by around 200 guards and soldiers, **Ta Tith** was introduced as the Northwest Zone Committee.<sup>1313</sup> At that time, **Ta Tith** said that the Southwest cadres had come to protect the factory to prevent the Yuon from coming to burn down the factory.<sup>1314</sup> The witness added that **Ta Tith** never visited Kampong Kol factory; only *Ta Mok* did.<sup>1315</sup>

### 2.1.13. FORCED MARRIAGES IN SAMLOUT DISTRICT

333. Samlout (សំឡូត) District was located in Sector 1 of the Northwest Zone.<sup>1316</sup> According to the testimonies of two witnesses, forced marriages occurred in Samlout District.<sup>1317</sup>
334. A witness who was a disabled soldier from Takeo got married in a wedding ceremony held on 20 August 1978.<sup>1318</sup> A female witness stated that on 20 August 1978 she was also forced to marry a disabled soldier.<sup>1319</sup> The witness also clarified that at the end of the Khmer Rouge regime many forced marriages were held.<sup>1320</sup>
335. One of the purposes of forced marriages was to provide incentives for the disabled cadres from the east, Kampong Chhnang, the Southwest Zone or Takeo Province.<sup>1321</sup> Those who got married were not aware of the ceremonies in advance,<sup>1322</sup> and even *Yeay Lēng*, who was the secretary of Samlout District,<sup>1323</sup> did not know in advance that she had to get married at that time either.<sup>1324</sup> Some women did not love their future husbands.<sup>1325</sup>
336. *Ta Mok* called cadres to attend a meeting and told them not to go anywhere on that day but to bathe because in the afternoon he had arranged marriages for them.<sup>1326</sup> Another witness said that *Ta Mok* arranged marriages for the disabled and told the disabled to point at any women whom they liked,<sup>1327</sup> and *Ta Mok* used a club to point at the man and the woman who had to marry each other.<sup>1328</sup>
337. The ceremony was held in the old Samlout District office at 2 p.m.<sup>1329</sup> for 40 combatants; however, only 38 combatants got married because two women fled from the ceremony.<sup>1330</sup> The witness added that the two women were not arrested nor mistreated because *Ta Mok* ordered not to harm them because they were too young.<sup>1331</sup>
338. Before the ceremony, the witness saw **Ta Tith** talking with *Ta Mok* but did not know about the contents of their discussion.<sup>1332</sup> *Ta Mok* attended the wedding ceremony on 20 August 1978.<sup>1333</sup> *Ta Mok* ordered **Ta Tith** to transport beds, mosquito nets, and hammocks to be distributed to the disabled who had just got married, and three days later **Ta Tith** implemented *Ta Mok*'s order by signing a letter listing these pieces of equipment with a phrase '*From Sector 1 Committee, Tith*'.<sup>1334</sup>

339. The wedding ceremony was comprised of six stages: in the first stage, the participants had to stand for the Party's flag for three minutes in front of a big banner bearing the phrase '*Wedding Ceremony*'.<sup>1335</sup> In the second stage, the master of ceremonies commenced the ceremony by announcing that the participants had reached the marriage age. The master of ceremonies was *Yeay Lēng*, the secretary of Samlout District.<sup>1336</sup> In the third stage, *Ta Mok* announced the names of the couples, calling out the names of one couple at a time.<sup>1337</sup> In the fourth stage, ***Ta Tith***, in the capacity of Sector 1 representative, gave advice to newly married couples;<sup>1338</sup> ***Ta Tith*** told the newlyweds to love their spouses, to be united, and to work hard to increase agricultural production.<sup>1339</sup> In the fifth stage, the newly married couples stood up to make their vows, and in the sixth stage, *Yeay Lēng* announced closing the ceremony,<sup>1340</sup> with all the participants standing quietly for the Party's flag for three minutes.<sup>1341</sup> There was no reception for that wedding ceremony. At the end of the ceremony, *Ta Mok* said, "Comrade ***Tith***, the Sector Chairman, please speak to the newly married couples".<sup>1342</sup>
340. The witness did not know whether the Khmer Rouge spied on the newly married couples.<sup>1343</sup> Another witness stated that 'no one spied on us'.<sup>1344</sup>

#### 2.1.14. PHUM VEAL SECURITY OFFICE

341. Phum Veal (ភូមិវាល) Security Office was located in Ta Lou (តាឡូ ឬ តាលោ) Commune, Bakan District, Pursat Province.<sup>1345</sup> At Phum Veal, many pits were dug in the middle of rice fields.<sup>1346</sup>
342. Many Khmer Krom people were arrested, detained, tortured, and interrogated in order to discover whether they were Vietnamese.<sup>1347</sup> A witness who was detained there stated that he was arrested and detained by the Khmer Rouge without any reason, and *Ta Vanh* (វ៉ាញ), Khmer Krom, and Vietnamese people were arrested and taken to Phum Veal Prison because Khmer Krom were considered as having "Yvon heads and Khmer bodies".<sup>1348</sup> Phum Veal Security Office was guarded by soldiers.<sup>1349</sup>
343. A witness stated that Khmer Krom prisoners were killed, especially at night, and their corpses were pushed into pits.<sup>1350</sup> However, the witness did not see the killings first hand, but saw the water which had turned red and saw corpses.<sup>1351</sup>
344. Many witnesses mentioned the involvement of *Ta Mok*, but no witness mentioned the involvement of ***Ta Tith***. There are many written records of witness statements about Phum Veal Security Office; however, among those written witness interviews, none of the statements show the involvement of ***Ta Tith***.<sup>1352</sup>

### 2.1.15. SVAY CHRUM SECURITY OFFICE

345. Svay Chrum (ស្វាយជ្រំ) Security Office was located in Svay Chrum (ស្វាយជ្រំ) Village, Boeng Bat Kandal (បឹងបាតកណ្តាល) Commune, Kdat (ក្តាត) District (Bakan District), Sector 2 of the Northwest Zone.<sup>1353</sup> A witness stated that initially this prison was known as Trapeang Chong (ត្រពាំងជង).<sup>1354</sup> Others called it Thkoul (ថ្កល) Security Office<sup>1355</sup> or Ta Khin (តាឃីន) Office.<sup>1356</sup>
346. A witness also showed the location of Prey Pheak (ព្រៃភោគ) Execution Site, which was several hundred metres west of Svay Chrum prison and was located in Svay Chrum Village.<sup>1357</sup> Pits measuring 10 metres by 10 metres were found in this area.<sup>1358</sup> According to witness LIM Sat (លីម សាត), Thkoul Office had 10 pits, each of which measured 10 metres by 10 metres.<sup>1359</sup> Big pits which contained human bones were found at Thkoul Office after 1979.<sup>1360</sup> The prison was divided into the eastern section; the western section, both of which were separated by a stream,<sup>1361</sup> the northern building,<sup>1362</sup> and the southern windowless building.<sup>1363</sup> In the eastern section, there was a wooden building measuring 6 metres by 30 metres.<sup>1364</sup> In the western section, there was a wooden house measuring 5 metres by 30 or 40 metres.<sup>1365</sup>
347. This security office was operational from June or July 1976 to the rainy season in late 1978.<sup>1366</sup> After Thkoul Prison was dissolved, the prisoners were transferred to Boeng Kul (បឹងគល់) Prison in Boeng Khnar (បឹងខ្នារ) Village, Bakan District,<sup>1367</sup> and Trach Kraol (ត្រាចក្រោល) Security Office.<sup>1368</sup>
348. Two witnesses who were detained in Svay Chrum from 1976 to 1978 said that Ta Khin (ឃីន) was the prison chairperson and he later disappeared when Southwest cadres arrived.<sup>1369</sup> Ta Kim (គីម) was Ta Khin's deputy.<sup>1370</sup> Mei (មី) was the military chairperson and was in charge of killing people in the security office.<sup>1371</sup> Female comrade Sam (សាម) was the chief of the youth unit,<sup>1372</sup> and Hieng (ហឿង) was a prison guard.<sup>1373</sup>
349. There is no clear evidence showing whether there were Khmer Krom people detained in Svay Chrum Security Office. While LAY Bony (ឡាយ បូនី) agreed on the presence of Khmer Krom people,<sup>1374</sup> LIM Sat stated that none were detained in Svay Chrum Security Office<sup>1375</sup> and added that the Khmer Krom people were sent back to their native villages in 1976.<sup>1376</sup> Witness MOUL Văn (មូល វ៉ាន) stated that people from Svay Rieng were detained in the prison with

soldiers, 17 April people, and people from Kampong Speu, and most of the people were from Phnom Penh.<sup>1377</sup>

350. Some prisoners were transported in ox carts<sup>1378</sup> or military trucks<sup>1379</sup> to be detained. When prisoners first arrived at the prison, their belongings and clothes were seized, except for the clothes they were wearing.<sup>1380</sup> The building was locked and guarded by militiamen at night, and prisoners slept in 20 rows.<sup>1381</sup> The room was in a very bad and miserable condition; the room was full of people and their faeces and urine; thus, there was no space for them to sleep.<sup>1382</sup> The eastern section could keep 30 to 40 light offenders at one time.<sup>1383</sup> The western section could keep 50 to 60 serious offenders at a time.<sup>1384</sup> Prisoners were shackled.<sup>1385</sup> Serious offenders or political prisoners or mad prisoners were detained in the southern windowless<sup>1386</sup> building which was locked and guarded.<sup>1387</sup> Light offenders were detained in the northern hall.<sup>1388</sup> Both light and serious offenders were chained.<sup>1389</sup> Light offenders had to work to refashion themselves and if they committed any mistake, they would be re-classified as serious offenders.<sup>1390</sup> A witness stated that nearly 2,000 prisoners were detained in the northern hall comprising the building and an unlocked room for five families.<sup>1391</sup> Men and women were detained separately, and couples were detained in a separate hall.<sup>1392</sup> LIM Sat estimated that around 400 prisoners to 500 prisoners were detained in the prison in 1978.<sup>1393</sup> Those who were detained in the dark prison were always in the prison both when they ate, and when they relieved themselves.<sup>1394</sup>
351. The prisoners who did not work were given only watery rice gruel to eat only twice per day.<sup>1395</sup> The prisoners who did some work were given rice gruel which was cooked with four cans of rice in one pot for 30 people or vegetable soup.<sup>1396</sup> Some prisoners received one can of rice for four people.<sup>1397</sup> Serious offenders were chained up or forced to dig a pond near the office.<sup>1398</sup> Light offenders dug ditches and strengthened rice field dikes.<sup>1399</sup> They worked from 7 a.m. to 5 p.m.,<sup>1400</sup> having a lunch break for two hours, and a 15-minute break in the morning. There was only Khmer traditional medicine.<sup>1401</sup>
352. Prisoners were beaten and tortured when they were interrogated,<sup>1402</sup> and the witness said that a female prisoner in her room was tortured by having her nails pulled off and her head submerged in water.<sup>1403</sup> According to LIM Sat's testimony, upon their arrival at the prison, prisoners were interrogated by KHIN Kim (ហ៊ិន គីម) and Chhaok (ឆោក), but they were not tortured.<sup>1404</sup> A Civil Party Applicant named KHĒK Chăn (ខេក ចាន់), a member of a mobile unit in Sector 7, stated that a prisoner from Kdei Chhnuol (ក្តីឆ្នួល) Village was accused of being Yuon and were tortured.<sup>1405</sup> His head was covered with a plastic bag, and water was poured into the bag to suffocate him.<sup>1406</sup>
353. Little evidence is available about the killings of Khmer Krom people at Svay Chrum Prison. However, LAY Bony stated that those who spoke with Khmer Krom accents were taken to be killed,<sup>1407</sup> and all the Khmer Krom in her group disappeared.<sup>1408</sup> She said that around 100,000 people were killed at Svay Chrum

and clarified that she learned about this from a Khmer Rouge soldier who was detained with her.<sup>1409</sup> She was the only witness who provided information about the number. She further stated that in late 1976 once every three days around 200 people including adults and children were taken to the zone (Phum Pheak (ភូមិភោគ)) at lunch time, and those people were never seen again. Only later did she know that those people were taken to be killed at the zone (Phum Pheak).<sup>1410</sup>

354. Witness SAT Lim testified that detainees were taken into the wooded areas in the commune and were beaten to death around half a month after they arrived at the prison. Some prisoners were forced to dig pits by themselves before they were killed.<sup>1411</sup> KHĒK Chăn learned that his uncle and two former LON Nol soldiers were beaten to death with hoes by militiamen.<sup>1412</sup> Another former prisoner named TOAM Cheah (ទាំ ជ័ះ) stated that most of the people who were taken to the southern section of the security office were killed.<sup>1413</sup> Only one witness mentioned one incident in which one detainee was shot to death at the end of a self-criticism meeting.<sup>1414</sup> Witnesses were not aware of sexual violence in Svay Chrum prison.<sup>1415</sup>
355. Witnesses provided inconsistent and unclear statements about the number of prisoners. According to three prisoners, between June or July 1976 and 1977, at least 2,000 to 3,000 people were arrested and taken to Svay Chrum Security Office.<sup>1416</sup> There is no evidence showing that the charged person visited Svay Chrum Prison.

#### 2.1.16. TUOL SEH NHAUV EXECUTION SITE

356. Tuol Seh Nhaus (ទួលសេះញ្ជូន) Execution Site, which contained nearly 10 pits,<sup>1417</sup> was located in Bak Meaek (បាក់ម៉ែក) Village, Khnar Totueng (ខ្នារទុទឹង) Commune, Bakan District, Pursat Province.<sup>1418</sup> According to the testimony of a Civil Applicant, Tuol Seh Nhaus Execution Site was in operation from 1977<sup>1419</sup> to 1978.<sup>1420</sup>
357. The prison chairperson was Nēm (ណែម).<sup>1421</sup> Yeay Phan (យ៉ាន) said that Mei (ម៉ី), Sun (ស៊ុន), Poch (ប៉ុច), and SAY Sambath (សាយ សម្បត្តិ) were executioners,<sup>1422</sup> and Ta Pech (ប៉ិច) was the militia chairperson in Khnar Totueng.<sup>1423</sup> KUNG Sam Oeun (គង់ សំអឿន) served on the Bakan District Committee.<sup>1424</sup>
358. A Civil Party Applicant stated that over 200 Khmer Krom families or 1,000 Khmer Krom people were sent to Tuol Seh Nhaus.<sup>1425</sup> A witness stated that in 1977 Khmer Krom,<sup>1426</sup> or the people who were suspected of being Khmer Krom,<sup>1427</sup> or those who were suspected of having connections with Vietnam,<sup>1428</sup>

or those who were mistaken as evacuees from the east because they wore blue scarves,<sup>1429</sup> were sent to Tuol Seh Nhauv and subsequently killed.<sup>1430</sup>

359. A Civil Party Applicant said that s/he was detained for 10 days.<sup>1431</sup> Detainees were tortured by being starved, but not being beaten.<sup>1432</sup> The Khmer Rouge killed the capitalists among those Khmer Krom first; subsequently they killed the petty bourgeoisie; and in early 1978 they killed all the Khmer Krom people.<sup>1433</sup> The testimonies about the Khmer Krom killings at Tuol Seh Nhauv were based on the clothes, watches, and other personal belongings of the Khmer Krom which were collected and brought back by Khmer Rouge cadres.<sup>1434</sup> The Khmer Krom were divided into three groups: the first group which consisted of physically strong people, and the second group which was comprised of women and children, who were sent to Prey Krabau (ប្រៃក្របៅ) to be killed, and the third group which comprised children and ill people and those who married Khmer Krom who were taken to be killed at Tuol Seh Nhauv.<sup>1435</sup> Other Civil Parties stated that the third group, which consisted of old people and Khmer Krom men, were mostly sent to be killed at Tuol Seh Nhauv.<sup>1436</sup> A witness saw 100 Khmer Krom people from Rung Ta Kok (រូងតាកុក), Rumlech Village, Bak Meaek Village, and Khnar Totueng Village being taken to be killed at Tuol Seh Nhauv.<sup>1437</sup> Another witness said that one of her relatives was accused of being Khmer Krom and was killed at Tuol Seh Nhauv together with her family.<sup>1438</sup> Another witness stated that after the killings of Khmer Krom, thousands of people from Svay Rieng were killed at Tuol Seh Nhauv and Prey Krabau.<sup>1439</sup> A Civil Party Applicant stated that the Khmer Rouge held meetings to select Khmer Krom people to harvest corn, and those Khmer Krom were killed in groups of around 20 at a time.<sup>1440</sup> The people from the east were tied up<sup>1441</sup> and escorted to rice fields to be killed by being beaten with clubs,<sup>1442</sup> being stabbed under their armpits with short knives, beaten from behind on the necks,<sup>1443</sup> or being shot.<sup>1444</sup>
360. Many witnesses provided different and unclear numbers of the victims who were killed. Some witnesses claimed that 100 people<sup>1445</sup> were killed, and a witness claimed that there were between 6,000 and 7,000 corpses in pits, and most of the corpses were Khmer Krom and the evacuees from the east.<sup>1446</sup> In one meeting, the Khmer Rouge announced that 3,000 Vietnamese enemies had been destroyed.<sup>1447</sup> Only one witness survived because he was saved by *Ta Suon*, who told the Khmer Rouge that he was not from Svay Rieng.<sup>1448</sup>
361. Probably in 1983 or 1984, the chairperson of Rumlech Village, Mr. MEAS Chănthân (មាស ចាន់ថន), collected the human bones in those pits to be kept in Wat Rumlech Pagoda.<sup>1449</sup> Another witness said that he saw only pits full of water; he could not see corpses nor human bones.<sup>1450</sup>
362. As regards sexual violence, women were raped by militiamen before they were killed.<sup>1451</sup> A witness whose husband was Khmer Krom was forced by the Khmer Rouge to remarry, together with five other couples.<sup>1452</sup> She was threatened by a

militiaman named Sun (ស៊ុន), who was armed with a knife and told her that if she refused to get married, *Angkar* would not distribute a 2.5-metre plot of land to her, and thus she agreed to remarry.<sup>1453</sup> The newly married couples were spied on by militiamen in order to make sure that the couples agreed to live with each other.<sup>1454</sup>

363. Among all the testimonies, no evidence shows that the charged person visited Tuol Seh Nhauv. None of the many witness statements give information about his control over or his orders concerning the above site.<sup>1455</sup>

#### 2.1.17. PREY KRABAU EXECUTION SITE

364. Prey Krabau (ព្រៃក្របៅ) Execution Site was located in rice fields within Prey Krabau Village, Khnar Totueng Commune, Bakan District, Pursat Province,<sup>1456</sup> and contained pits which measured 10 metres in length, 10 metres in width, and 1 metre in depth.<sup>1457</sup>
365. According to the statement of one witness, Prey Krabau Execution Site was in operation from late 1975 or early 1976<sup>1458</sup> to 1978.<sup>1459</sup> The secretary of Bakan District, *Yeay Rim* (រឹម) gave orders to take people to be killed at Prey Krabau.<sup>1460</sup> Sun (ស៊ុន), Sai (សៃ), Rim (រឹម), Huot (ហ្វុត), and Sok (សុក) took people to be killed.<sup>1461</sup>
366. Two Civil Party Applicants stated that the Khmer Krom people were sent to Prey Krabau to harvest potatoes and corn.<sup>1462</sup> In addition, some witnesses saw the Khmer Krom people being sent to the execution site,<sup>1463</sup> and evidence also shows that Khmer Krom prisoners at Phum Veal Prison were also sent to that site.<sup>1464</sup> A Civil Party Applicant stated that s/he saw the Khmer Rouge transporting Khmer Krom to that site one morning, and when the Khmer Rouge returned, s/he saw only an ox cart full of the belongings of those Khmer Krom, and s/he inferred that those people had been killed.<sup>1465</sup> A Civil Party Applicant testified that 10 Khmer Krom families comprising 60 people were sent to Phum Veal Security Office to be killed.<sup>1466</sup>
367. Mass killings of Khmer Krom people occurred in Rumlech Commune, and Khnar Totueng Commune, and the victims were killed and buried in the pits at Seh Nhauv and Prey Krabau.<sup>1467</sup> Evidence shows that in 1978 many Khmer Krom people were killed at Prey Krabau, Ta Lou Commune.<sup>1468</sup> The Co-Investigating Judge has some testimonies which show that the witnesses did not see any killing first hand, but saw the corpses at the killing site.<sup>1469</sup> Around 200 to 300 corpses were found at this site after the collapse of the Democratic Kampuchea regime.<sup>1470</sup> A witness testified that over 300 Khmer Krom families were kept at a corral at Prey Krabau and were killed at Prey Krabau and buried in mass graves.<sup>1471</sup> The corpses were not fully buried.<sup>1472</sup>

368. A Civil Party Applicant stated that she saw and heard *Yeay* Rim, the secretary of Bakan District, ordering UN Aun (អ៊ុន អ៊ុន) to take people from Veal Village to be killed at Prey Krabau.<sup>1473</sup> Another Civil Party Applicant clarified that for the families whose children had moved far away, the children survived, but the parents were taken by the Khmer Rouge to be killed.<sup>1474</sup> The Civil Party Applicant believed that she survived because she had chosen to live with her mother, who came from Kampot, whereas her father, who was Khmer Krom, was taken to be killed at Prey Krabau.<sup>1475</sup>
369. In addition, two witnesses testified that they saw corpses of the evacuees from the east because they recognised the blue scarves at the killing site which had been provided to those people by *Angkar*.<sup>1476</sup> In addition, one witness stated that thousands of Khmer Krom people and Svay Rieng people were killed at Tuol Seh Nhauv and Prey Krabau.<sup>1477</sup> Furthermore, one witness added that some of his relatives who were LON Nol soldiers were killed at Prey Krabau in 1976.<sup>1478</sup>
370. A Civil Party Applicant stated that probably one month after the third killings of Khmer Krom, they forced widows and widowers, whose spouses were Khmer Krom, including his/her mother, to remarry.<sup>1479</sup> This statement is consistent with the statement of one witness who said that her husband was killed at Tuol Seh Nhau, and she was forced to get married immediately after that incident.<sup>1480</sup>
371. Many witnesses did not give any information about *Ta Tith*'s control over or orders concerning the above site.<sup>1481</sup>

#### 2.1.18. CHANREANGSEI PAGODA EXECUTION SITE

372. Chanreangsei (ចន្ទរង្សី) Pagoda, also called Rumlech Pagoda,<sup>1482</sup> was located in Pralay Rumdeng (ប្រឡាយរំដេង) Village<sup>1483</sup> (located between Rumlech Village and Pralay Rumdeng Village),<sup>1484</sup> Rumlech Commune, Bakan District,<sup>1485</sup> in Sector 2 of the Northwest Zone.<sup>1486</sup> A witness stated that Rumlech Pagoda was not a prison.<sup>1487</sup> In contrast, Chanreangsei Pagoda was used as a killing site only once.<sup>1488</sup>
373. Witness UK Soeum (អ៊ុក ស៊ីម), the former Rumlech Cooperative Chairperson, stated that around 300 eastern people living in Sector 7 were taken by Khmer Rouge soldiers to be kept at the road in front of Rumlech Pagoda.<sup>1489</sup> However, later the same witness stated that those 300 people were detained in Rumlech Pagoda.<sup>1490</sup> The arrests were made when the Khmer Rouge forces were fighting against the Vietnamese forces at Pursat and the civilians from the east fled towards the Vietnamese and they were arrested by the Khmer Rouge soldiers on the road.<sup>1491</sup>
374. A Civil Party Applicant stated similarly that in 1979 Vietnamese forces entered Pursat town.<sup>1492</sup> At that time, the eastern people in cooperatives rebelled in

order to return to their native villages.<sup>1493</sup> Khmer Rouge soldiers came to arrest those people, but they were not allowed to shoot them.<sup>1494</sup>

375. Those eastern people stood up one by one and shouted “*Long Live! The Bright Communist Party of Kampuchea. Please look at me carefully as to whether I am Khmer or Yuon, whether I have Yuon blood and a Yuon head. I ask the Party to look at me carefully and judge whether if I am Khmer. I ask the Party to judge. If I am Yuon, I allow the Party to kill me.*”<sup>1495</sup> At that time, one eastern person threw an axe towards a Khmer Rouge soldier; as a consequence, those soldiers opened fire to kill all those eastern people.<sup>1496</sup> Around 300 eastern people from Kandieng (កណ្តៀង) District in Sector 7 were killed in front of Rumlech Pagoda on the road to Rumlech Village at Damnak Trach (ដំណាក់ត្រាច) Bridge near Rumlech Pagoda.<sup>1497</sup> A witness who was carrying water near the road by Rumlech Pagoda stated that those who rebelled were shot to death by the Khmer Rouge near Rumlech Pagoda because those people fled to join the army of HENG Samrin (ហេង សំរិន).<sup>1498</sup> A witness heard from others that eastern people were killed at Rumlech<sup>1499</sup> by the soldiers who had been well prepared.<sup>1500</sup>
376. Later the same night, those corpses were transported in ox carts by villagers to be buried in mass graves in Koun Tnaot (កូនត្នោត) Village, Rumlech Commune, and it took the whole night to transport and bury all the corpses.<sup>1501</sup>
377. Many witnesses did not show the information about *Ta Tith's* control over or orders concerning the above site.<sup>1502</sup>

#### 2.1.19. WAT KIRIRUM SECURITY OFFICE

378. Based on the administrative map of the Khmer Rouge, Wat Kirirum (វត្តគិរីរម្យ) Security Office was located on Phnom Sampeou (ភ្នំសំពៅ) Mountain in Phnom Sampeou (ភ្នំសំពៅ) Commune, Phnom Sampeou District, Battambang, Sector 3, the Northwest Zone.<sup>1503</sup> A witness who came back to Phnom Sampeou Kaet (ភ្នំសំពៅកើត) Village in probably May 1979 stated that around 20 metres northeast of the pagoda was a dining hall and a monk's hall nearby, and said that La-ang Teng Khluon (ល្អាងតែងខ្លួន) was located at the northern pagoda of Wat Kirirum, and just west of the road to La-ang Teng Khluon was a path to La-ang Lakhaon (ល្អាងល្លោន), and in front of La-ang Lakhaon was another La-ang (ល្អាង) (cave) located on the left which was called La-ang Kangkep (ល្អាងកង្កែប).<sup>1504</sup>

379. Wat Kirirum Security Office was in operation prior to the arrival of the Southwest cadres and remained operational under the control of the Southwest cadres.<sup>1505</sup> From early 1976 to the end of the Khmer Rouge, eight witnesses saw Khmer Rouge soldiers escorting prisoners up the stairs to the pagoda.<sup>1506</sup> In contrast, a witness stated that only when the Southwest cadres arrived during the rice harvesting season (January or February) in 1978 did they take prisoners to be killed at Wat Kirirum.<sup>1507</sup> Another witness stated that when the Southwest cadres arrived, they used La-ang Lakhaon on the top of Phnom Sampeou Mountain as a killing site.<sup>1508</sup> A witness stated that the Southwest cadres took people to be killed in La-ang Lakhaon only two or three months before the Khmer Rouge regime collapsed because when he worked in the textile unit at Phnom Sampeou there was no killing site over there.<sup>1509</sup>
380. A Police Chairperson named Ēng (ឃីង) was the executioner on Phnom Sampeou Mountain.<sup>1510</sup> The militiamen, soldiers, and high-ranking leaders who controlled people were responsible for arresting and taking people to Phnom Sampeou.<sup>1511</sup> A witness stated in an unconvincing manner that militiamen or security forces who might have come from the sector took people away quietly,<sup>1512</sup> and he did not know where those people were taken.<sup>1513</sup> According to another witness, the Southwest cadres and the people in that village who wanted to be the leaders and who feared death were the ones who arrested people.<sup>1514</sup> Those people were detained in a house near the house where the witness is residing, which was formerly Phnom Sampeou market.<sup>1515</sup> In mid-1978, the Northwest cadres were considered as traitors and were arrested.<sup>1516</sup> The Southwest cadres announced that the Northwest cadres were traitors<sup>1517</sup> and they replaced those Northwest cadres.<sup>1518</sup> The Northwest cadres were removed from their positions, and were arrested or disappeared,<sup>1519</sup> and many of them were detained at Wat Kirirum Security Office.<sup>1520</sup> People were detained in a cave<sup>1521</sup> for two to three days, and some of them were released after their family members provided gold in exchange for their release, and those without gold were killed.<sup>1522</sup> The prisoners from Sampeou Village and Kouk Ampil (គោកអំបិល) Village<sup>1523</sup> and from Banan District<sup>1524</sup> were arrested because those people said that they were too ill to work.<sup>1525</sup> Ta Rāk (តារ៉ាក់) screened the local people and arrested 10 people who were accused of plotting to overthrow *Angkar*, and the witness saw the arrests only once in 1976.<sup>1526</sup>
381. A monk said that when he arrived at the pagoda, he saw small detention cells and there were many blood stains there.<sup>1527</sup> A witness who stayed at Phnom Sampeou in May 1979 said that at the mouth of a cave there were food containers, drinking water containers and clubs.<sup>1528</sup>
382. A witness stated that the killings occurred on Phnom Sampeou both before and after the arrival of the Southwest cadres.<sup>1529</sup> Many people were killed and pushed into the caves at Wat Kirirum.<sup>1530</sup> He did not know where those victims were brought from.<sup>1531</sup> Those who were killed in the first stage were the soldiers and cadres whose names were in lists, but later the general people who

committed mistakes were killed.<sup>1532</sup> A monk witness stated that he heard from people in nearby villages that they cut the throats of prisoners and took the corpses to be thrown into a cave which was located 20 to 30 metres away from the main temple.<sup>1533</sup> A witness could see the Khmer Rouge cutting open the victims' abdomens to remove their intestines and livers.<sup>1534</sup> The witness stated that it occurred right at the main Buddhist temple of Kirirum Pagoda, stressing that the crime site was the main Buddhist temple of Kirirum Pagoda.<sup>1535</sup> The witness described how the Khmer Rouge hanged handcuffed prisoners by their necks and cut open their abdomens to remove their livers, and there was a gutter draining the blood into a large basin.<sup>1536</sup> This last witness added that people were tied up with ropes as big as wrists and hanged them by their necks until their legs were around 10 centimetres above the ground. The witness added that eight people were hanged with one rope, and there were four ropes.<sup>1537</sup> All the hanged people were men wearing only shorts without shirts or trousers, and below them were around 30 or 40 other handcuffed prisoners comprising men and women, young and old people. The prisoners below were handcuffed in four rows, sitting with their backs against one another and their legs opposite one another. Their legs were shackled, and their hands were tied behind their backs.<sup>1538</sup>

383. A witness estimated, based on the human bones in the caves of Kirirum, that there were hundreds of victims.<sup>1539</sup> "After 1979, the commune chief assigned me to collect the human skulls at Wat Kirirum to be kept at Phnom Sampeou; in one cave, I counted between 20 and 30 human skulls, but there were corpses in other caves."<sup>1540</sup> A witness who arrived at Wat Kirirum probably in May 1979 stated that there were corpses in La-ang Teng Khluon, and just west of the path to La-ang Teng Khluon he saw two corpses probably of Khmer Rouge soldiers because they were in black clothes and berets, and there were corpses of old and young people in La-ang Kangkep. In La-ang Lakhaon there were corpses which had been smashed and thrown into the cave because the corpses lay with their faces down and the backs of their heads were damaged, and deep inside the cave, many corpses were seen.<sup>1541</sup>
384. Based on the interviews, it seems that none of the prisoners at this pagoda survived.<sup>1542</sup> In addition, there were no cadre witnesses nor internal witnesses. Only three witnesses saw (only a few times) from a distance the guards of the security office escorting prisoners<sup>1543</sup> or only heard from others about **Ta Tith**.

### 2.1.20. WAT SAMDACH (វត្តសំដាច់) SECURITY OFFICE

385. Wat Samdach Pagoda was located in Samdach Village,<sup>1544</sup> Sangkae (សំរោង) District,<sup>1545</sup> Sector 3 during the administration of Democratic Kampuchea.<sup>1546</sup> On the other hand, only one witness said that Wat Samdach Pagoda was located in Sangkae District, Sector 4.<sup>1547</sup>
386. Under the management of the Northwest cadres, Wat Samdach Pagoda<sup>1548</sup> was a hospital.<sup>1549</sup> The Southwest group continued to use it as a hospital.<sup>1550</sup> During the rainy season, probably in October 1977, a witness was sick and stayed at

- Wat Samdach hospital. Wat Samdach was a district hospital.<sup>1551</sup> Probably between June and July 1978, the Southwest cadres used Wat Samdach as a location in which they detained and killed people.<sup>1552</sup> According to the testimony of a witness, in October 1977 Wat Samdach functioned as a place in which 400 to 500 arrested people were detained.<sup>1553</sup>
387. Another witness said that the person in charge of Wat Samdach was *Ta Nguon*<sup>1554</sup> (ងួន) Another witness said that Sie (ស៊ី), a company chief, was the manager of Wat Samdach.<sup>1555</sup> Hong (ហុង), Sie's wife, was from the Southwest Zone. She worked in Samdach Village.<sup>1556</sup> five killers, including Yong<sup>1557</sup> (យ៉ុង), were full time workers at that place.<sup>1558</sup>
388. Under the control of the Southwest cadres, many people from the villages and cooperatives, were arrested in large numbers and went missing.<sup>1559</sup> People were detained at the pagoda.<sup>1560</sup> They were kept there for two to three days and then they were killed.<sup>1561</sup> According to the testimony of a witness, in October 1977, about 400 to 500 former state workers of the previous regime who stole food items were arrested and taken to Wat Samdach.<sup>1562</sup>
389. Two months after the Southwest cadres arrived, all the Northwest groups were arrested, tied up, and taken to be killed<sup>1563</sup> at Wat Samdach.<sup>1564</sup> That was in 1979.<sup>1565</sup> A witness overheard the Southwest cadres saying that approximately 100 people, including children,<sup>1566</sup> had been murdered. Small children of about 12 to 13 years of age were killed by adults.<sup>1567</sup> The witness was saved by the cooperative chairman's wife who deleted his name from the list of people to be killed.<sup>1568</sup> Children of 2 to 3 years of age were thrown up into the air and stabbed with swords from below<sup>1569</sup> or bashed against something until they died.<sup>1570</sup> Adults were arrested and tied up in lines and were killed by being beaten with a hoe<sup>1571</sup> or the axle of a cart,<sup>1572</sup> one after another. Some victims, still conscious, were buried alive.<sup>1573</sup>
390. Each mass killing took place at night<sup>1574</sup> over a few days,<sup>1575</sup> with security points<sup>1576</sup> established to prevent people from going nearby.<sup>1577</sup> After the killings, these security points were removed.<sup>1578</sup> The pits were dug before the killings and the Khmer Rouge poured salt over the bodies in the pits.<sup>1579</sup> At that time, the witness fell into a pit of bodies at Wat Samdach.<sup>1580</sup> The people who lived on the other side of the river could hear the cries when they killed people.<sup>1581</sup> Another witness said that there were three pits, each had a size of approximately 5 square metres.<sup>1582</sup>
391. Actually, during the era of the Northwest group there were no detentions or killings at Wat Samdach.<sup>1583</sup> During the period of the Northwest group, five to 10 people<sup>1584</sup> including teachers, physicians, the rich, and soldiers<sup>1585</sup> were arrested, tied up in a line and taken to be killed.<sup>1586</sup> A witness said people were detained and killed in October 1977,<sup>1587</sup> but s/he did not know the place where

they had killed them because there were other killing places<sup>1588</sup> too, such as Wat Samraong (វត្តសំរោង) Roka<sup>1589</sup> (រកា) and places in Samdach Village.<sup>1590</sup>

392. The evacuation in Wat Samdach took place in December 1978.<sup>1591</sup> The living conditions during the time of the Northwest group were not as miserable as those after the Southwest group arrived because, in those days, the rice porridge was thick. When the Southwest group arrived, the situation became very miserable.<sup>1592</sup>

**2.1.21. KAMPONG PREANG (កំពង់ព្រឿង) COMMUNE (INCLUDING KACH ROTHEH (កាច់រទេះ) VILLAGE, SALA TRAV (សាលាត្រាវ) VILLAGE, AND WAT POU LANGKA (ពោធិ៍លង្កា) SECURITY OFFICE)**

393. Pou Langka Security Office, alias Wat Kach Roteh<sup>1593</sup> or Wat Damnak Roteh,<sup>1594</sup> was located along National Road 5<sup>1595</sup> in vicinity<sup>1596</sup> of Kach Roteh Village<sup>1597</sup> (former Damnak Roteh Village),<sup>1598</sup> Kampong Preang Commune, Sangkar District (District 41),<sup>1599</sup> Battambang (បាត់ដំបង) Province,<sup>1600</sup> near Sala Trav.<sup>1601</sup> Sala Trav was also a detention place.<sup>1602</sup> Wat Pou Langka Prison or Kach Roteh Prison<sup>1603</sup> was a Sector 4<sup>1604</sup> military security office used as a location to detain and kill people.<sup>1605</sup> During the occupation of the Northwest group, the prison had an area of 1 square kilometre and some parts of it had no wall.<sup>1606</sup> When the Southwest group arrived, the area was confined to the pagoda premises.<sup>1607</sup> Wat Pou Langka Security Office was created between 1975 and 1976 during the tenure of the Northwest group. When the Southwest group arrived, they took charge.<sup>1608</sup> On the other hand, two witnesses said that Kach Roteh Prison was used from August or September or October 1978 until the end of the Khmer Rouge regime.<sup>1609</sup>
394. The houses surrounding the pagoda<sup>1610</sup> and the temple were used as places in which to detain people.<sup>1611</sup> About four to five monks' houses (ក្រុង) were used as places to store medicines for the Social Affairs Office.<sup>1612</sup> A house at a distance of about 500 metres to 1 kilometre to the south of the pagoda's temple was used as a military prison of the military office at the time of the Northwest group until that of the Southwest group.<sup>1613</sup> A huge killing site was located right behind the pagoda.<sup>1614</sup> The graves were located to the south of Kach Roteh Pagoda.<sup>1615</sup>
395. Wat Pou Langka was probably managed by the military.<sup>1616</sup> Ta Loek (ត្នីក) and Yeay Chăn (យ៉ៃ) were the managers of District 41 and District 42.<sup>1617</sup> Măo (ម៉ៅ) was the chairperson of Kach Roteh prison.<sup>1618</sup> The most senior manager at Wat Kach Roteh and Sala Trav was Ta Vân (វ៉ាន).<sup>1619</sup> TOEK Sim (តឹក ស៊ីម) was a

- former military guard at Wat Pou Langka.<sup>1620</sup> The witness was at Kach Rotech Village neither during nor after the Khmer Rouge regime, but s/he heard that it was a military site and a security office.<sup>1621</sup> The military travelled around overseeing those who worked in the villages.<sup>1622</sup> In 1977, *Ta Yîn* (យ៉ិន), a brutal Northwest cadre at Kach Rotech Security Office, was killed by the Southwest group.<sup>1623</sup>
396. Arrests of detainees at Wat Pou Langka happened from 1975 until 1979.<sup>1624</sup> Two witnesses mentioned the arrests of people to be sent to Sala Trav.<sup>1625</sup> When Comrade Yîn was the security chief at Wat Kach Rotesh, many arrested villagers were killed there.<sup>1626</sup> About 30 Sala Trav villagers,<sup>1627</sup> including men, women, children and soldiers,<sup>1628</sup> were arrested and taken to Wat Kach Roteh accused of committing moral offences,<sup>1629</sup> minor mistakes,<sup>1630</sup> breaking spoons,<sup>1631</sup> stealing food items,<sup>1632</sup> and losing ploughs.<sup>1633</sup> The prisoners were transported by trucks in the morning and the afternoon.<sup>1634</sup>
397. The prisoners were detained for a period three to five months.<sup>1635</sup> They were tortured with sticks or metal poles.<sup>1636</sup> Prisoners accused of serious offences were shackled.<sup>1637</sup> Two detainees died at Wat Pou Langka.<sup>1638</sup> One prisoner was unsuccessful in his attempt to flee.<sup>1639</sup> The week before the Vietnamese arrived at that office, 15 prisoners escaped successfully.<sup>1640</sup>
398. From 1976 to 1977 people were forced to work.<sup>1641</sup> In 1977, many people died of starvation and lack of medicine.<sup>1642</sup> When the Southwest took over, people died of starvation. At the security office there were interrogations and the releases of prisoners. This kind of thing did not happen during the time of the Northwest group.<sup>1643</sup> The Southwest arrested and detained *Ta Yîn* at Kach Rotech Security Office and killed him.<sup>1644</sup>
399. People were killed at Wat Pou Langka.<sup>1645</sup> A witness stated that Sala Trav Village, Kampong Preang Commune, Sangkae District, was the place with the highest rate of people killed.<sup>1646</sup> A former mobile unit soldier saw truckfuls of victims being transported from the East Zone to this place every day.<sup>1647</sup> None of them survived.<sup>1648</sup> In 1976, the witness saw about 30 to 40 people being killed at Kach Rotech every day. The witness heard that in 1977 the Northwest group raped and killed a girl named *Vănna* (វ៉ាន់ណា) at Wat Kach Rotech.<sup>1649</sup> Between 1977 and 1978, relatives of the witness were killed at Kach Rotech.<sup>1650</sup> During the dry season of 1978, a survivor from the prison witnessed the killing of 14 to 15 people. They were beaten on the back of their heads with a wooden stick.<sup>1651</sup> In late 1978, two Northwest soldiers were killed<sup>1652</sup> behind Wat Kach Roteh Pagoda by three soldiers, armed with weapons and hoes. They hit the victims' necks and heads about 20 to 30 times.<sup>1653</sup> The witness was about 50 to 100 metres from that place.<sup>1654</sup> In late 1978 or early 1979, the Southwest group arrested the Northwest group. They said that the Northwest group mistreated the people and did not give them enough food to eat.<sup>1655</sup> The Southwest group provided the people with thicker rice porridge than that which was provided by the Northwest group.<sup>1656</sup> That was why some members of the Northwest group fled.<sup>1657</sup> Others were killed at Kach Rotech.<sup>1658</sup> Families of some of the

Northwest cadres were missing.<sup>1659</sup> The killings intensified from 1977 until 1979.<sup>1660</sup> Prisoners were taken to be killed at night.<sup>1661</sup> The witness never saw them taking people away to be killed.<sup>1662</sup> The witness was arranged to get married at the communal kitchen in Kach Roteh Village.<sup>1663</sup>

400. The witness entered Wat Pou Langka after the liberation in 1979 and saw blood stains on the walls.<sup>1664</sup> The witness saw mass graves and the killings of 14 to 15 people. S/he concluded that the total number of the prisoners in that office was probably 60. LONG Hin (ឡុង ហ៊ិន) who dug the graves from 1980 to 1981, estimated that there were approximately 5,000 to 7,000 victims.<sup>1665</sup> According to other estimates, there were approximately 5,000 to 7,500 people killed at this security office.<sup>1666</sup>
401. None of the witnesses were aware of the existence of *Ta Tith* (ទិត្យ) and did not mention him. When asked by the investigators if they knew him, the witnesses stated that they never knew *Ta Tith*.<sup>1667</sup> During the occupation of the Southwest group, the witnesses never saw any one being taken to Wat Kach Roteh Security Office.<sup>1668</sup>

#### 2.1.22. REANG KESEI (រាំងកេសី) COMMUNE (INCLUDING WAT KESEI PAGODA AND REANG KESEI VILLAGE)

402. Wat Reang Kesei Pagoda was located in Reang Kraol (រាំងក្រាល) Village, Reang Kesei Commune, Sangkae District, Sector 4.<sup>1669</sup> The site was created by the Northwest group and operated until the Vietnamese arrived.<sup>1670</sup> Reang Kesei Cooperative included Reang Kesei Commune and Srah Kaev (ស្រះកែវ).<sup>1671</sup>
403. The witness worked near Phnum Thipakdei (ភ្នំធំបីតី) Mountain, Sector 1, for almost one year. This was some time after April 1975. Next, he lived and harvested rice at Lang Tang (ឡង់តង) Worksite, and *Ta Chây* (ចាយ) Worksite, in Sector 4.<sup>1672</sup> He noticed his fellow workers dying of starvation, lack of medicine, fever, dysentery, and swollen bodies. This was the case both, before and after the Southwest arrived.<sup>1673</sup> According to two witnesses, the arrival of the Southwest group happened in late 1978, a few months before the liberation. The living and working conditions did not change.<sup>1674</sup>
404. During the tenure of the Northwest group, the chairmen of Sector 4 were *Ta Ván* (វ៉ាន់) and *Ta Rai* (រ៉ៃ) The Reang Kesei Cooperative Chairman was Phun (ហ៊ុន).<sup>1675</sup> The Cooperative Chairman during the tenure of the Southwest group in 1978 was Rín (រិន).<sup>1676</sup> The witness who harvested rice at Lang Tang Worksite, and Ta Chay Worksite in Sector 4, noticed that an old cadre called *Tây* (តាយ)

was missing. Moeun (ម៉ឺន) fled, and Yoeum (យ៉ៃម) committed suicide. The Southwest cadres who came to replace the Reang Kraol Cooperative Chairman were *Ta Loek* (ត្នែក), *Yeay Chăn* (យ៉ៃចាន់).<sup>1677</sup>

405. A witness who was a teacher in Reang Kesei stated that the Northwest group killed LON Nol soldiers in early 1977.<sup>1678</sup> The witness, who harvested rice in Sector 4, heard from a Northwest cadre in Sector 4 that he participated in a cadre meeting in which a policy on killing Khmer Krom people was discussed.<sup>1679</sup> The witness also heard from the transporters that Khmer Krom people were taken to be killed in Kach Roteh Village, Kampong Preang Commune.<sup>1680</sup> The same witness stated that when the Southwest group arrived there was no more killing of the Khmer Krom people.<sup>1681</sup> The witness, a teacher in Reang Kesei, added that the Khmer Krom people were accused of being Yuon because they had a white complexion. They were called to get in the trucks to go to the battlefield where they would get two meals a day. In fact, they were taken to be killed.<sup>1682</sup>
406. The witness who worked at a work site in Sector 4, stated that before the Southwest group arrived his group chief invited him to the wedding of 20 couples in Reang Kesei Commune, Sangkae District, Sector 4.<sup>1683</sup> He said he did not know if those couples, who were getting married, loved each other or not, but he heard that there was forced marriage; people were forced to live together and they divorced later.<sup>1684</sup>
407. A witness who worked in Srah Kaev (ស្រះកែវ) Commune in a cooperative that was also in charge of Reang Kesei stated that in 1978 he and about 70 to 80 other couples were forced to get married at Wat Reang Kesei Pagoda.<sup>1685</sup> The forced marriages were organised by the Cooperative Committee.<sup>1686</sup> According to another witness, a teacher in Reang Kesei Commune, Sangkae District, Sector 4 Cooperative, Chairperson Rîn was forced to get married to a man named KĂN Seun (កាន់ ស៊ែន) in a wedding ceremony of 83 couples.<sup>1687</sup> There was an announcement that she must follow the Party line. No one could reject them; soldiers walked around spying on the people.<sup>1688</sup>
408. A witness who worked in a mobile unit in Srah Kaev saw *Ta Loek* and *Yeay Chăn*, apparently running away from the Vietnamese, They rounded up 300 to 400 people to join a meeting to eat noodles at Wat Reang Kesei Pagoda. They shot the people who ran away and refused to join the meeting before the Vietnamese arrived to liberate them.<sup>1689</sup> Among those people, KĂN Seun, married to the witness who is a teacher in Reang Kesei, ran and was shot. He sustained an injury to his thigh and was dragged away to be killed. There were many wounded people. According to the witness, the Khmer Krom people in Reang Kesei were transported in trucks to be killed close to the time when the Vietnamese arrived to liberate the country. The place where they were killed is not known.<sup>1690</sup>

409. The two witnesses did not make any statements related to **Ta Tith**. When asked by the investigators if they had ever heard of **Ta Tith**, the witnesses said they had not.<sup>1691</sup> A witness who worked in a mobile unit in Srah Kaev heard from low-ranking unit chiefs that **Ta Tith** was a cadre from Pursat (ព្រះវិហារ) Province and Kampong Chhnang (កំពង់ឆ្នាំង) Province. They said that three soldiers followed him everywhere he went and he was always having people taken away and many people went missing.<sup>1692</sup>

### 2.1.23. SECURITY OFFICE, PRISON NO. 8

410. The location of Security Office Prison No. 8 or Kbal Chheu Puk (ក្បាលចេរ្តិ៍ពុក) Security Office<sup>1693</sup> (at the Northeast<sup>1694</sup> end of the village) was declared by some witnesses to be located in Kbal Chheu Puk Village,<sup>1695</sup> Sya (ស្បៀ) Commune,<sup>1696</sup> Kandieng (កណ្តៀង) District,<sup>1697</sup> Pursat Province<sup>1698</sup> - that was Bakan District (District 22),<sup>1699</sup> Sector 7<sup>1700</sup> of the Democratic Kampuchea administration. A witness stated that Security Office Prison No. 8 was located in Wat Banteay Yuon (បន្ទាយយួន) Pagoda.<sup>1701</sup> Prison No. 8 was a former LON Nol military barracks<sup>1702</sup> surrounded by a bamboo fence.<sup>1703</sup> This prison had five large buildings used to detain prisoners; one of them was for children; one of them was for women; two were for men; and one was a special prison. There was one kitchen and a house for the cadres and militiamen.<sup>1704</sup> Security Office Prison No. 8 was in operation from 1975.<sup>1705</sup> A Civil Party Applicant stated that Prison No. 8 operated throughout the Khmer Rouge regime.<sup>1706</sup>
411. Another witness stated that *A Paong* (ហ្នឹង) was the Prison No. 8 chief.<sup>1707</sup> A further witness said that Chheang (ឈឹង) worked at Prison No. 8.<sup>1708</sup> One applicant answered that the previous chief of Prison No. 8 was Hēng (ហេង). The next one was Cheang (ជឹង).<sup>1709</sup> The witness said that the chief of Prison No. 8 was the one who killed people.<sup>1710</sup>
412. Three witnesses described how many prisoners were arrested and taken to be detained at Prison No. 8.<sup>1711</sup> A witness who lived at the other side of the river, about 1,000 metres from Office No. 8, described how approximately 200 people were detained at Office No. 8.<sup>1712</sup> One witness did not know the number of prisoners detained at Prison No. 8.<sup>1713</sup> In 1978, 500 people from Svay Rieng (ស្វាយរៀង), including the elderly, children, women, and men were arrested from Kandieng District on several occasions. They were tied up with their hands behind their backs and taken to be detained at Security Office No. 8.<sup>1714</sup> The detained prisoners included prisoners from Sector 7,<sup>1715</sup> former LON Nol regime workers,<sup>1716</sup> former LON Nol soldiers' wives<sup>1717</sup> and children,<sup>1718</sup> women whose husbands had run away,<sup>1719</sup> chiefs and robbers,<sup>1720</sup> lazy

people,<sup>1721</sup> people who had committed moral offences,<sup>1722</sup> and serious insurgents from Svay Rieng.<sup>1723</sup>

413. The prisoners were shackled at night and forced to work 11 hours during the day.<sup>1724</sup> The witness stated that the prisoners were released to work outside with his group,<sup>1725</sup> without being permitted to take any rest,<sup>1726</sup> at places, such as dams<sup>1727</sup> or canal building sites. The prisoners who went to work outside were miserable; they even ate raw mouse skin.<sup>1728</sup> The prisoners were allowed to catch fish. However, they had to eat them at the bathing place; they would not be allowed to take the fish to Prison No. 8.<sup>1729</sup> The two witnesses had never heard about rapes of women at Prison No. 8.<sup>1730</sup> According to the testimony of four witnesses, women who were detained at the prison were raped.<sup>1731</sup> Rape, amputation and the removal of livers was witnessed by a surviving prisoner.<sup>1732</sup> Another witness saw people being tortured at Prison No. 8 by a small militia boy, aged about 10 years, who used an axe the size of two fingers to hit about 20 prisoners who sat in a line, in the head once each.<sup>1733</sup>
414. Svay Rieng people were killed from 1977 until the end of the POL Pot regime.<sup>1734</sup> A witness said that in 1978 people from Svay Rieng were killed at Security Office No. 8. Sometimes, two to three prisoners were killed. In the witness' group, people from Svay Rieng were called by the Khmer Rouge to leave the house and they were escorted to be killed at a nearby pond,<sup>1735</sup> probably called Srah Tralach (ស្រះត្រាឡាច).<sup>1736</sup> All the Svay Rieng people were killed after they had been detained for three nights.<sup>1737</sup> One night all the prisoners in the whole security office were killed.<sup>1738</sup> The witness' sister-in-law was taken to be killed at Prison No. 8.<sup>1739</sup> Five members of another witness's family were killed at Prison No. 8.<sup>1740</sup> A witness said that close to 1979, prisoners were killed after the soldiers raped them under the trees.<sup>1741</sup> Prisoners killed at Security Office No. 8 included those who; secretly removed rice seeds to eat<sup>1742</sup> because they did not have enough food; boys and girls;<sup>1743</sup> people who listened to American radio;<sup>1744</sup> those accused of being CIA.<sup>1745</sup> Some small children died because of starvation at Prison No. 8.<sup>1746</sup> About 10 to 15 days before the Vietnamese arrived, approximately 300 prisoners were killed at Prison No. 8.<sup>1747</sup> Relating to this office, witnesses made similar statements about the majority of the killings against the people evacuated from the East Zone between late 1977 and 1978.<sup>1748</sup> The reasons and decisions behind these killings are not known. The bodies were buried along the paddy dikes.<sup>1749</sup>
415. A witness stated that there were survivors from Prison No. 8.<sup>1750</sup> Another witness never went to Prison No. 8 but heard that there were no survivors from Prison No. 8.<sup>1751</sup> According to Mr. Henri Locard (ហ៊ែនរី ឡូកា), the remaining prisoners were killed the night before the Vietnamese arrived in January 1979.<sup>1752</sup>
416. A witness said he could not correctly estimate of the number of the deceased, but he knew that there were many of them.<sup>1753</sup> There was a small grave at a small mountain at a distance of about 500 to 600 metres from Prison No. 8. There was a large grave consisting of probably 300 bodies to the north of Prison

No. 8, at a distance of about 400 metres from the prison.<sup>1754</sup> The bodies in the first grave were said by the witness to be of those who died due to illness. The bodies in the large grave were of those who had been killed.<sup>1755</sup> A Civil Party Applicant answered that he saw Srah Tralach grave containing over 700 bodies.<sup>1756</sup> Another witness estimated that thousands of people were killed at Prison No. 8.<sup>1757</sup> A witness, who is a survivor of the killing at Prison No. 8, stated that about 2,000 people were killed at Security Office Prison No. 8 or Kbal Chheu Puk Prison.<sup>1758</sup> According to Mr. Henri Locard's estimate, around 4,000 to 10,000 people were killed at this security office.<sup>1759</sup>

417. Relating to this office, none of the witnesses mentioned **Ta Tith** in their statements. After being asked by the OCIJ about **Ta Tith**, all the witnesses stated that they had not heard about, seen or known him.

#### 2.1.24. VEAL BAK CHUNHCHING (វាលបាក់ជញ្ជឹង) KILLING SITE

418. Veal Bak Chunchhing was located in Srae Sdok (ស្រែស្អុក) Commune,<sup>1760</sup> Kandieng District,<sup>1761</sup> Pursat Province,<sup>1762</sup> Sector 7, North Zone.<sup>1763</sup> Veal Bak Chunchhing Killing Site was at a distance of 10 kilometres from Tuol Pou Chrey (ទួលពោធិ៍ជ្រៃ) to the west.<sup>1764</sup> Veal Bak Chunchhing was an area without houses. There was a lotus lake<sup>1765</sup> with a size of 8 hectares.<sup>1766</sup> It was used for fishing.<sup>1767</sup> Veal Bak Chunchhing was located near the river and there was a grave the size of 50 square metres there.<sup>1768</sup>
419. A witness, who heard this from neighbours, said that the killings of the East Zone people at Veal Bak Chunchhing started in early 1978 and continued until 1979.<sup>1769</sup> Comrade Nom (ណុម) was the one who called the meetings to send people to Veal Bak Chunchhing.<sup>1770</sup> The Khmer Rouge used oxen carts to transport people to be killed.<sup>1771</sup> The witness did not know who gave the orders to transport the East Zone people to Veal Bak Chunchhing.<sup>1772</sup>
420. At first, the Khmer Rouge transported truckloads of Svay Rieng people from Svay Rieng to Pursat town.<sup>1773</sup> The Khmer Rouge group lied to the East Zone or Svay Rieng group, saying that they were to go to cultivate rice, harvest rice, and work in orchards in Veal Bak Chunchhing.<sup>1774</sup> The witness added that, initially, some of the East Zone people protested and rejected living at that place. They wanted to go back to their birthplaces.<sup>1775</sup> They walked from the cooperative to Pursat town, but they were arrested and taken to an unknown place by the Khmer Rouge group.<sup>1776</sup>
421. The Svay Rieng people, including children, adults, men and women,<sup>1777</sup> were killed at Veal Bak Chunchhing.<sup>1778</sup> Probably in late 1978, just before the time when the Vietnamese arrived in Cambodia, a witness heard the oxen cart group that transported people saying that on the previous night they had transported the East Zone group to be killed at Veal Bak Chunchhing.<sup>1779</sup> Two witnesses said the Khmer Rouge used around 30 oxen carts to transport thousands of

people from the cooperatives to be killed at Veal Bak Chunching.<sup>1780</sup> A witness who joined the transportation of those people answered that they took three to four days to complete it.<sup>1781</sup> The oxen carts started the journey at 4.00 a.m. and arrived in Veal Bak Chunching at 11.00 a.m.<sup>1782</sup> The witness added that he and the people did not know that they were being transported to be killed because those people who accompanied them had normal facial expressions and chatted with each other as usual on the carts.<sup>1783</sup> During the transportation there were no militiamen or soldiers escorting the oxen carts. However, when they arrived at Veal Bak Chunching the Khmer Rouge soldiers were hiding in nearby *tbaeng* (ត្បែង) bushes.<sup>1784</sup> The oxen cart unit let the people get down from the carts and leave their luggage near by. Then the Khmer Rouge soldiers ordered the oxen carts to move back about 30 metres from where they had dropped the people. After that the Khmer Rouge soldiers escorted the people to be shot to death at a distance of approximately 100 metres from where the oxen carts stopped.<sup>1785</sup> The witness saw the Khmer Rouge group shoot the people. Some died at the lake and some at Veal Bak Chunching.<sup>1786</sup> Another witness heard from neighbours that the Khmer Rouge group ambushed people to shoot and kill them at Veal Bak Chunching in 1979.<sup>1787</sup> Some corpses wore clothes<sup>1788</sup> with blue scarves and were tied up.<sup>1789</sup> Other corpses were put into pits and buried by tractors.<sup>1790</sup>

422. After Pursat Province was completely liberated in approximately March or April, the witness went to Veal Bak Chunching to look for rice and saw many decomposed corpses there.<sup>1791</sup> A witness estimated that there were hundreds or perhaps even 1,000 corpses.<sup>1792</sup>
423. No documents speak of *Ta Tith's* control over, or orders related to, this crime site.

## 2.2. FACTUAL FINDINGS FOR DISMISSAL OF CHARGES

### 2.2.1. WAT SO BEN (វត្តសុបិន) SECURITY OFFICE

424. Wat So Ben was located in Kbal Damrei (ក្បាលដំរី) Village, Kouk Prech (គោកក្រែង) Commune, Kiri Vong District, Takeo Province.<sup>1793</sup> Inside the pagoda compound were the vihara (the temple sanctuary) and the dining hall. These were later used by Democratic Kampuchea cadres for melting pieces of broken glass bottles to make medicine ampoules and for threshing rice.<sup>1794</sup> Some witnesses stated that, during the Democratic Kampuchea regime, Wat So Ben Security Office was not a prison, but a place where prisoners were gathered to be educated for a short period. All the prisoners were taken to be killed at other locations.<sup>1795</sup> Some witnesses stated that Wat So Ben was also a worksite where rice was grown and machinery was repaired; dishes, pots, frying pans, plough blades, etc. were made there.<sup>1796</sup>

425. A witness stated that s/he was sent to make medicine ampoules inside the pagoda in 1976 or 1977. S/he did not see any detention facility, s/he did not know of people being detained or disappeared there.<sup>1797</sup> It was an ampoule-making site and rice-growing site.<sup>1798</sup> Most of the prisoners who were arrested and sent to Wat So Ben were former soldiers of the LON Nol regime, former chiefs of 10-household groups or former chiefs of 50-household groups.<sup>1799</sup>
426. In late 1975, a meeting was held at Wat So Ben, and *Yeay Bo* (ឃុំ), who served on the Kiri Vong District Committee and another district secretary, announced the number of the people who were to be arrested and sent to Wat So Ben; however, **Ta Tith** was not present at the meeting.<sup>1800</sup> Some witnesses stated that they heard from others that at the meeting at Wat So Ben, former soldiers of the LON Nol regime were detained in the *vihara* [the temple sanctuary], and were later taken to be killed in the forest along the road between Wat So Ben and Wat Preah Theat (ព្រះធាតុ) Pagoda.<sup>1801</sup> The prisoners' hands were tied behind their backs; a rope was inserted under their armpits; one rope held approximately 10 prisoners.<sup>1802</sup> Witnesses, who were former LON Nol soldiers and survived the killings, stated that Khmer Rouge soldiers escorted 10 prisoners at a time to be shot to death in the forest. The witnesses saw the corpses of others who had been sent to that place with him.<sup>1803</sup> Those corpses were thrown into a reservoir; they were buried by the villagers.<sup>1804</sup>
427. Other witnesses present at Wat So Ben during the Democratic Kampuchea regime stated that between 1975 and 1979 there were no killings at Wat So Ben.<sup>1805</sup>
428. Only one witness who was sent to make medicine ampoules at Wat So Ben stated that s/he saw **Ta Tith**. S/he said he visited Wat So Ben periodically, not frequently.<sup>1806</sup>

### 2.2.2. SAOM (ស្នាម) VILLAGE EXECUTION SITE

429. Saom Village Execution Site was located in Soam Commune, Kiri Vong District, Takeo Province.<sup>1807</sup>
430. A Civil Party Applicant stated that s/he heard from others about an incident in which approximately 60 Khmer Krom people who had requested to defect to the Khmer Rouge in Saom Village in approximately 1977 or 1978 were all taken by the Khmer Rouge to be killed after a welcome party for them.<sup>1808</sup>
431. In Saom Village, there were three large, round bombraters; each was around 5 metres in diameter and 1.7 metres in depth. These craters were used for burying corpses.<sup>1809</sup> The Civil Party Applicant stated that s/he heard from locals that there were Khmer Krom people killed in Saom Village.<sup>1810</sup> After the regime, s/he went to see the three craters and claims that s/he saw that the craters were full of corpses.<sup>1811</sup> This Civil Party Applicant saw corpses. Many shirts were seen inside those craters. However, the number of corpses could not be estimated.<sup>1812</sup>

432. Another witness named MOENG Vēt (ម៉ែង វ៉េត) stated that there were no arrests, tortures, or killings in Saom Village. The witness said that there were only soldiers, and no civilians, living in this village.<sup>1813</sup>
433. Among all the witnesses who provided information about Saom Village Execution Site, none of them had heard of or known **YIM Tith**.<sup>1814</sup>

### 2.2.3. ANLONG VOAR BRENG (អន្លង់វ៉ៃវ៉ៃប្រេង) WORKSITE AND CHHNAL MOAN (គ្នាល់ម៉ាន) EXECUTION SITE

434. Anlong Voar Breng Worksite was located in Ruessei Preah (រួស្មើប្រះ) Village, Chhnal Moan Commune, Koas Krala District, Battambang Province, Sector 1, Northwest Zone.<sup>1815</sup> Even though some people called it Anlong Voar Breng and others called it Anlong Vil Braeng (អន្លង់វិលប្រេង), a witness testified that “*Anlong Voar Breng*”, was the correct name,<sup>1816</sup> not “Anlong Vil Breng” During the Democratic Kampuchea regime, the worksite called “Anlong Voar Breng Worksite” was located in Koas Krala District.<sup>1817</sup> In addition, Anlong Voar Breng Worksite was located at a natural boundary with a canal running across a large field.<sup>1818</sup> Nowadays, the former Anlong Voar Breng worksite has been transformed into vast rice fields.<sup>1819</sup> Anlong Voar Breng Worksite was in operation until the collapse of the Democratic Kampuchea regime.<sup>1820</sup>
435. The Ruessei Preah Village Chiefs included Nēm<sup>1821</sup> (ណែម), Pos<sup>1822</sup> (ប៉ុស), and Dim<sup>1823</sup> (ឌីម). Poah<sup>1824</sup> (ហ្នៅ) served on the Anlong Voar Breng Cooperative Committee. The Southwest cadres arrived in Ruessei Preah in mid-1978.<sup>1825</sup>
436. All the villagers living near Anlong Voar Breng Worksite were forced to work and build makeshift camps in the middle of the field in order to harvest rice, thresh rice, put rice into sacks, and distribute rice to other places.<sup>1826</sup> At the worksite, there were many workers, including female and male youth units, children's units, and adult units.<sup>1827</sup> The female and male youth units were ordered by their upper echelons to work in mobile units; children's units were assigned to pick up cattle dung to fertilise rice fields; and the old people were assigned to look after young children whose parents were working at worksites.<sup>1828</sup>
437. Anlong Voar Breng was a worksite. This site was not used as a security office for detaining people.<sup>1829</sup> There were no killings at this worksite.<sup>1830</sup>
438. At Anlong Voar Breng Worksite, people were required to work from 5 a.m. to 11 a.m. Then they rested to have lunch. They resumed work at 1 p.m. and continued until 5 p.m.<sup>1831</sup> Around 200 families were sent to work at Anlong Voar Breng Worksite. The living conditions were very difficult; workers had to sleep on the ground. Some of them slept in small huts.<sup>1832</sup> The children's units

were also sent to work at Anlong Voar Breng Worksite.<sup>1833</sup> As regards to the food rations for the workers at Anlong Voar Breng, each worker was given only two or three ladles of rice gruel.<sup>1834</sup>

439. Anlong Voar Breng Worksite was guarded by around 20 Southwest group soldiers.<sup>1835</sup> Some workers at the worksite were arrested and they were sent to be killed at Chhnal Moan Execution Site. Some were sent to Koas Krala Security Office.<sup>1836</sup> The workers at Anlong Voar Breng Worksite were required to work almost until the collapse of the Democratic Kampuchea regime, and those people stopped working only when they heard via radio broadcast that Phnom Penh had been liberated.<sup>1837</sup>
440. Chhnal Moan Execution Site was located in a school compound in Chhnal Moan Commune, Koas Krala District, Battambang Province, Sector 1, Northwest Zone.<sup>1838</sup> Those who were taken to be killed at Chhnal Moan included the unit chairpersons, the village and commune level cadres, and their relatives.<sup>1839</sup> Chhnal Moan was previously called “Snay Moan (ស្នាយម៉ាន)”.<sup>1840</sup>
441. Many people were sent to be killed at Chhnal Moan Execution Site.<sup>1841</sup> The arrests and the killings increased dramatically after the arrival of the Southwest groups.<sup>1842</sup> Chhnal Moan Execution Site was used only for immediate killings; it was not a security office used for temporarily detaining people.<sup>1843</sup> As regards the killings at Chhnal Moan, the Khmer Rouge used iron clubs as the major tool for smashing people to death.<sup>1844</sup> Sometimes people were smashed and pushed into pits that had been dug already.<sup>1845</sup> Not all of the corpses at Chhnal Moan were corpses of people killed at Chhnal Moan; some of the people who died starvation and from illnesses were also taken to be buried at this site.<sup>1846</sup> As regards to the number of the dead, no specific source clarifies the exact number.
442. Evidence shows that there were pits near the rice fields near the school compound.<sup>1847</sup> A witness clarified that there were many pits at this site.<sup>1848</sup> A witness saw one pit which contained around 20 corpses, including the corpse of the witness' elder sister.<sup>1849</sup> After the end of the Democratic Kampuchea regime, many pits were found at Chhnal Moan Execution Site.<sup>1850</sup>
443. Many witnesses lived at Anlong Voar Breng Worksite, but they had not heard of **Ta Tith**.<sup>1851</sup>

#### 2.2.4. BANTEAY TRENG (បន្ទាយត្រែង) SECURITY OFFICE

444. Banteay Treng Security Office was located in Kilou (គីឡូ) Village, Traeng (ត្រែង) Commune, Rotonak Mondol (រតន៍មណ្ឌល) District, Battambang Province, and was part of Sector 1 of the Northwest Zone.<sup>1852</sup> It is estimated that between 800 and 1,000 people were killed at this site.<sup>1853</sup> Mass killings occurred between 1977 and 1978, when a large number of people were “killed indiscriminately”.<sup>1854</sup> The execution site covered an area of 10 hectares, and the entire area was covered with bamboo forest. As a result, it was called Prey

Ruessei Sangha Daek (ព្រៃប្រស្នីសង្ហាដែក).<sup>1855</sup> The perpetrator is still alive and has been found.<sup>1856</sup>

445. Witness NUON Muon (នួន មួន) stated that this office was operational “...around early 1977. Banteay Treng became a security office when the Southwest cadres arrived”.<sup>1857</sup> So, these things happened before the arrival of the charged person. Witness PEOU Koeun (ពៅ គឿន) stated that Banteay Treng had been in operation for many years, and in 1977 Division Commander MEAS Ren (មាស រ៉ែន), who was stationed at Banteay Treng, was arrested and sent to Tuol Sleng (ទួលស្លែង) based on POL Pot's letter inviting division commanders and regiment commanders to study.<sup>1858</sup> Witness PEOU Koeun added that this was part of the policy to sweep the nation clean.<sup>1859</sup> Thus, when **Ta Tith** arrived, he told the people who tended cattle and who grew cotton to pay attention to their work because all high-ranking cadres had been sent to study already.<sup>1860</sup> The witness stated that **Ta Tith** spoke in his capacity as the Sector Committee Cadre and the Zone Leader, which included Battambang Province.<sup>1861</sup> No witnesses could clearly confirm the killings and disappearances of prisoners. When the witness NUON Muon dug earth to search for gold after the end of the Khmer Rouge regime, S/he saw many fresh corpses, and s/he concluded that there had been killings in late 1978. The same witness stated that those corpses were collected. It was estimated that there were around 600 people, including children, who were killed, and those people might have been tied up before they were taken to be killed.<sup>1862</sup> Based on the evidence and facts investigated in Case 002, only the officials of the Genocide Research Committee or the Provincial Department of Culture in the 1980s were authorised to collect those corpses.<sup>1863</sup> We do not know whether the witness NUON Muon used to hold such a position. We do not have sufficient evidence to analyse and determine the factual elements required by laws. In addition, OCIJ have searched for, but have not found, a person named **CHEN Kandal** (ចិន កន្តាល), who was identified as an executioner at Banteay Treng in the 1998 report of the Documentation Center of Cambodia.<sup>1864</sup> No evidence nor witness shows the involvement of the charged person with this security office. The witness NUON Muon first saw the charged person when he, in his capacity as Sector 1 Secretary, was invited to arm soldiers in Wat Treng Pagoda in order to fight the Vietnamese in late 1978.<sup>1865</sup>

### 2.2.5. PHNOM TRA CHEAK CHET (ភ្នំត្រជាក់ចិត្ត) DAM WORKSITE

446. Phnom Tra Cheak Chet Dam Worksite was located in Rung (រូង) Village, Prey Tralach (ព្រៃត្រឡាច) Commune, Rukkhak Kiri (រុក្ខគិរី) District, Battambang Province.<sup>1866</sup> This dam worksite was located near Phnom Tra Cheak Chet<sup>1867</sup> (Tra Cheak Chet Mountain) where, there was a big river called Tra Cheak Chet

River.<sup>1868</sup> Phnom Tra Cheak Chet Worksite was surrounded by thick jungle. If one looked in the direction of the site from a distance, one would see the roof of a hall made of zinc sheets on that mountain.<sup>1869</sup> The workers slept in that hall.<sup>1870</sup> Phnom Tra Cheak Chet Dam was 25 metres wide, with its base being 50 metres wide; 50 metres high; and 3 kilometres long.<sup>1871</sup> This site was operational until the arrival of the Vietnamese.<sup>1872</sup>

447. Witness KREB Raun (ក្រីប រ៉ូន), who used to be in a children's unit and was prepared to be a soldier of Moug (មោង) District, was herded by Southwest cadres to Phnom Tra Cheak Chet around seven days before the arrival of the Vietnamese in 1979. He stated that the cadres in charge of Phnom Tra Cheak Chet were Hieng (ហៀង) and Mēch (ម៉េច); however, the witness did not know whether the two cadres were the most senior cadres there.<sup>1873</sup>
448. Phnom Tracheak Chet Dam Worksite was a forced labour worksite. At Phnom Tracheak Chet, a dam was built in order to establish one reservoir.<sup>1874</sup> People were forced to take part in the construction of the dam and to do other work.<sup>1875</sup> The workers there were not allowed to move around freely; cadres kept a close eye on the workers and monitored all the work throughout the worksite.<sup>1876</sup>
449. Workers were divided into female youth units, male youth units, which were responsible for the hard work; and children's units.<sup>1877</sup> Workers worked 10 hours a day in three shifts, and the work quota for each worker was to carry 3 cubic metres of earth per shift.<sup>1878</sup> Food was provided two times per day, but the food rations were insufficient. Many people fell ill because of starvation.<sup>1879</sup> The witness estimated that over 100 people worked at this worksite.<sup>1880</sup> The dam construction was not completed; it was abandoned when the Vietnamese arrived.<sup>1881</sup>
450. A witness who was herded by the Southwest cadres to Phnom Tra Cheak Chet seven days before the arrival of the Vietnamese observed that workers were not prepared to work any more because they and the witness had decided to flee.<sup>1882</sup> Some people fled towards the Vietnamese side; others were assigned by the Khmer Rouge to carry ammunition up the mountains.<sup>1883</sup>
451. Many witnesses stated that the Southwest cadres herded hundreds of people from Phnom Thipakdei Mountain and from other areas to be sent to Phnom Tra Cheak Chet Dam Worksite in late 1978<sup>1884</sup>. Around 700 to 800 people from Kach Roteh Village were transferred to Phnom Tra Cheak Chet by Southwest cadres who plotted to kill all of them; however, some of them fled, and some were liberated by the Vietnamese troops.<sup>1885</sup> Witness PHĂN Yim (ផាន់ យឹម) stated that all the people in his/her village were sent to Phnom Tra Cheak Chet, travelling on foot and the journey took half a month.<sup>1886</sup>

452. Witness PHĂN Yim heard from a man who fled Phnom Tra Chek Chet that the Southwest cadres planned to put people in the reservoir of Phnom Tra Chek Chet and detonate land mines to kill all of them.<sup>1887</sup>
453. The witness stated that s/he heard from survivors of the killings at Phnom Tra Chek Chet about the killing methods.<sup>1888</sup> The Southwest cadres told the people who had been herded from other areas to attend a meeting to receive the plan from *Angkar*. They threw grenades into the crowds of participants during the meeting.<sup>1889</sup>
454. In addition, the workers at the dam worksite were taken to be killed at various locations near the worksite.<sup>1890</sup> Those people were taken to be killed in groups of three at a time on the pretext of being called to attend meetings.<sup>1891</sup> It was estimated that around 100 people were killed by the Southwest cadres at Phnom Tra Chek Chet Worksite.<sup>1892</sup> Witness KREB Raun stated that at Phnom Tra Chek Chet he saw two corpses near the reservoir, but the witness never saw any arrests or killings first hand.<sup>1893</sup> Witness MEAS Proeung (មាស ព្រឿង) stated that he saw the killings of three people by young militiamen. Most people were killed because they had stolen food or were former government officials and soldiers of the old regime.<sup>1894</sup>
455. After the collapse of the regime in 1979, many corpses were found along the road to Phnom Tra Chek Chet. Those corpses had not been buried.<sup>1895</sup> There were many other pits which contained around 30 to 40 corpses at Phnom Tra Chek Chet.<sup>1896</sup>
456. None of the above witnesses, who provided information about Phnom Tra Chek Chet, mentioned anything about **Ta Tith**. When investigators asked those witnesses whether they knew **Ta Tith**, most of the witnesses responded that they had never heard of that name.<sup>1897</sup>

## 2.2.6. BANTEAY O TAKREY (បន្ទាយអូរតាក្រែក) EXECUTION SITE

457. Banteay O Takrey Execution Site was located in Phcheav (ភ្នំវង់) Village, Sdau (ស្ទៅ) Commune, Rotonak Mondol District, Battambang Province, Sector 1, Northwest Zone.<sup>1898</sup> This site was located in an area of around 2 hectares, on the bank of a river which was fully surrounded by bamboo forest.<sup>1899</sup> Before 1975, O Takrey was used by people as a cremation site because it was on high ground.<sup>1900</sup> Banteay O Takrey became an execution site and was in operation until the collapse of the Democratic Kampuchea regime.<sup>1901</sup>
458. In 1977, when soldiers transported truckloads of people to be killed at O Takrey, witness PEOU Koeun (ពៅ គឿន), who secretly watched the incident, stated, “*I saw people being killed. I was almost killed as well. I heard the sounds of people being smashed to death.*”<sup>1902</sup> Another witness who also secretly watched the killings stated, “*I saw the Khmer Rouge unloading people from trucks and*

*pulling the people on the road away. I stopped my truck, and they saw me and waved their hands to signal to me to drive onwards.*"<sup>1903</sup> People were transported in trucks to be killed with their hands tied.<sup>1904</sup> O Takrey was the site where people were taken to be killed; there was no office or shelter there.<sup>1905</sup>

The executioners at O Takrey were Kuy (គុយ), It (អ៊ីត), and other people from the Southwest.<sup>1906</sup>

459. The people who were killed at O Takrey were transported from Banteay Treng Security Office, which was located around 5 kilometres away.<sup>1907</sup> In addition, people were brought from Ka Kaoh (កាកោ) Re-education Centre in Moung Ruessei District, Pailin (ប៉ៃលិន), and other places to be killed at O Takrey.<sup>1908</sup> As regards to the killings at O Takrey, sometimes the Khmer Rouge used bamboo stumps to kill people.<sup>1909</sup> The victims at this site were mostly adults; this conclusion is based on the human bones collected after the collapse of the regime.<sup>1910</sup> In addition, no-one survived at Banteay O Takrey. The Khmer Rouge killed all remaining people before the liberation.<sup>1911</sup>
460. At Banteay O Takrey Execution Site, there were around eight pits, each of which measured around 3 metres by 4 metres and held around 40 to 50 corpses. In fact, each pit was full of human bones and old clothes which belonged to both men, women, and children.<sup>1912</sup>
461. After the end of the Democratic Kampuchea regime, many human bones were found at Banteay O Takrey Execution Site.<sup>1913</sup> In addition, approximately 10 to 35 pits were found at Banteay O Takrey.<sup>1914</sup> In addition, the witness estimated that there were between 40 and 50 corpses in the pits. There were a total of no fewer than 1,500 corpses outside the pits too.<sup>1915</sup>

### 2.2.7. TUOL MTES (ទួលម្លេស) WORKSITE AND SECURITY OFFICE

462. Tuol Mtes Worksite and Security Office was located around 300 metres from Tuol Mtes canal.<sup>1916</sup> Tuol Mtes or Tuol Mtes<sup>1917</sup> Cooperative was located between Phnom Thipakdei and Kang Hort (កងអ៊ុត) Village<sup>1918</sup>, which was around 10 kilometres west of Phnom Thipakdei<sup>1919</sup> and around 4 kilometres away from Kang Hort Village.<sup>1920</sup>
463. Tuol Mtes Cooperative was used both as a worksite and a security office.<sup>1921</sup> There were long halls to accommodate cadre, and wooden detention halls with wooden walls and roofs made of zinc sheets. The detention halls were locked like warehouses; prisoners were not shackled, but over 20 militiamen kept guard outside the halls.<sup>1922</sup> In one unit, there were between seven and eight guards; there were long dining halls, and long halls with thatched roofs or leafed roofs without walls along the banks of the canal for mobile unit workers to sleep in.<sup>1923</sup> In addition, there was a big hall where machinery and oil were kept.<sup>1924</sup> A dam at Chhay Balangk (គាយបាលង់) Mountain or Kory (គុយ)

Mountain was a part of Tuol Mtes.<sup>1925</sup> Tuol Mtes Worksite was in operation until late 1978 or early 1979.<sup>1926</sup>

464. Tuol Mtes Worksite was under the control of Sector 1, and the cooperative was under the control of the commune and the district.<sup>1927</sup> Witness ROEUNG Sopheap (រឿង សុភាព), who lived at Tuol Mtes from 1976 to the end of the Khmer Rouge regime, and other witnesses who used to work at Tuol Mtes, stated that the leadership at Tuol Mtes included Vorn (វ៉ុន) or Vun (វ៉ុន), Von (វ៉ុន), and *Ta Srei* (ស្រី). Later, Von was arrested in approximately 1977 because he was accused of betraying the regime. He was replaced by Rin (រិន).<sup>1928</sup> Other witnesses who used to work at Tuol Mtes Worksite stated that Vorn was the chairperson,<sup>1929</sup> and the chairperson of Tuol Mtes Cooperative was Yǎn (យ៉ា ន់).<sup>1930</sup>
465. Witness TĒP Sarun (ទេព សារុន) stated that *Ta Vanh* (វ៉ាញ), who was the Sector 1 Secretary, frequently visited Tuol Mtes Worksite.<sup>1931</sup> However, other witnesses stated that they never saw sector level cadres or district level cadres visiting Tuol Mtes Worksite, and that district level cadres only came to villages to lay down the plans for local cadres to work harder.<sup>1932</sup>
466. A witness described the arrests and transfer of people to Tuol Mtes Security Office, stating that around seven to eight people were arrested before his/her group was arrested. The witness added that on any one occasion seven to 15, 20, or 30 people might be arrested.<sup>1933</sup> The witness added that his/her group, which was the eighth or ninth group, comprised of around 45 people including the witness, who were also arrested.<sup>1934</sup>
467. Another witness stated that s/he was arrested to be detained at Tuol Mtes for three months after the arrival of the Southwest cadres in early 1977.<sup>1935</sup> All of the Northwest cadres were arrested to be detained at Tuol Mtes Security Office, being accused of being part of KGB or Yuon networks.<sup>1936</sup> Those prisoners included ordinary people and Northwest cadres together with their family members, ranging from cooperative to district level cadres.<sup>1937</sup>
468. Witness SOKH Cheat (សុខ ជាតិ), who was arrested to be detained at Tuol Mtes from August 1977 to early 1978, stated that s/she did not see any detention hall or prison at Tuol Mtes.<sup>1938</sup> However, at least 30 to 40 people were sent by militiamen to study because those people had broken yokes, damaged earth-carrying baskets, broken hoe handles, or made complaints.<sup>1939</sup>
469. At Tuol Mtes, hundreds or up to thousands of people were working, and in general those people were brought from the cooperatives in Sector 1, and most of them were Northwest cadres who had been arrested.<sup>1940</sup> The Khmer Rouge

- divided workers into two to three units; in one unit there were 10 groups, and in another unit there were over 30 people, including men, women, and children.<sup>1941</sup>
470. Some witnesses who were detained at Tuol Mtes stated that they were arrested and sent to Tuol Mtes and were forced to do hard labour such as cutting down trees, building dikes, digging ditches, building rice field dikes, pulling out rice seedlings, and transplanting rice seedlings, and they were closely watched by guards all the time. The workers rested for only two hours per day.<sup>1942</sup> In addition, the Khmer Rouge set work targets, and if workers did not meet the targets, they would face criticism meetings.<sup>1943</sup> Actually, the Khmer Rouge assigned workers to build rice field dikes which were 1 metre high, The top was 1 metre wide and the base was 1.5 metres wide. Each worker had to build 10 metres of a rice field dike per day,<sup>1944</sup> or had to cut down 10 trees per day.<sup>1945</sup>
471. Workers started working at dawn and rested at 11 a.m. and resumed working at 1 p.m. until the evening, and subsequently, workers had to thresh rice at night until 1 a.m.<sup>1946</sup> The food rations were insufficient; workers were given only rice gruel with water morning glory soup or soup cooked with tree leaves and salt only two times per day; this caused many people to fall ill and die.<sup>1947</sup>
472. A witness who transported rice seedlings from Tuol Mtes to be distributed to rice fields stated that the work was not difficult, but soldiers inspected the work and used clubs or sticks to beat those who worked slowly.<sup>1948</sup> A witness who worked at Tuol Mtes during the rainy season of 1977 stated that the workers there did not disappear; however, on two occasions he saw the Khmer Rouge taking strange people to mill rice under guard, and on each occasion around four or 10 people were taken to mill rice.<sup>1949</sup> Later, he saw new pits near the worksite.<sup>1950</sup> Another witness who had been detained at Tuol Mtes stated that two or three Northwest cadres who were detained with him disappeared every day, with the number of people declining from over 100 to only 30.<sup>1951</sup>
473. The ordinary people, former Northwest cooperative cadres, district cadres, and soldiers who had been arrested were called to the dining hall to eat rice gruel, and five to six militiamen told them to work at other worksites<sup>1952</sup> such as to harvest sugar cane at Daun Troek (ដួនត្រីក), at the source of Sangkae River near the Cambodian-Thai border, or at Kakaoh, etc. Those people disappeared and around four or five days later nine to 10 corpses were seen in the forest and ponds.<sup>1953</sup>
474. Evidence shows that around 1978, after the Southwest cadres had been in charge for one year, more Northwest soldiers and ordinary people were killed because the Southwest cadres considered all the 'old' cadres as the enemies of Angkar.<sup>1954</sup> A witness stated that s/he and his/her friends attended a meeting, where the Khmer Rouge had plotted to kill all the participants.<sup>1955</sup> The witness stated that at that time the Khmer Rouge had dug pits already, and they ordered all the participants to eat Khmer noodles in those pits. When night fell, his/her group fled to Khnang Kou; however, soldiers saw his/her group and they shot and killed four men in the group.<sup>1956</sup> Another witness stated that s/she saw the

arrests of Northwest cadres, and the witness inferred that they were killed because the witness did not see them again.<sup>1957</sup>

475. Witness YĒT Yoeun (យ៉ែត យ៉ឺន), who was a battalion chief from 1975 to 1976, and in 1978<sup>1958</sup> was selected to be the chief of another battalion at Tuol Mtes, stated that he saw around 10 corpses of Khmer and Chinese-Khmer adults during the dry season, probably in April or May 1977, when the area was still under the control of the Northwest cadres.<sup>1959</sup> Those corpses were not tied up; however, he believed that those people must have been tied up before they were killed.<sup>1960</sup>
476. Another witness believed that around 800 people disappeared at Tuol Mtes Worksite and Security Office during the Khmer Rouge regime.<sup>1961</sup>
477. Witness SĀO Choab (សៅ ជាប់) stated that from 1976 to 1977 **YIM Tith** visited Tuol Mtes Worksite.<sup>1962</sup> The witness added that **YIM Tith** came to inspect the people who were working at the worksite, doing rice field work, and building dikes.<sup>1963</sup> Another witness who was sent to work at Tuol Mtes in 1978 stated that s/he saw **YIM Tith** when he attended a meeting before the arrival of the Vietnamese,<sup>1964</sup> and during the meeting **YIM Tith** told people to work harder to produce more rice to feed the soldiers and he told people to be vigilant against the Yuon enemies.<sup>1965</sup>
478. A witness who was sent to work at Tuol Mtes Worksite from approximately August 1977 to early 1978 stated that **Ta Tith** took charge of that place in 1977,<sup>1966</sup> and the witness met **YIM Tith** in a meeting at Banan (ប៉ាន់) in late 1977.<sup>1967</sup> Later, at Tuol Mtes, around 10 people were taken to study once every two or 3 days, and those people disappeared.<sup>1968</sup>
479. Nevertheless, other evidence shows that **YIM Tith** was not present at Tuol Mtes. In fact, many witnesses who lived and worked at Tuol Mtes Cooperative throughout the Khmer Rouge regime stated that they never saw, knew or heard of **Ta Tith's** visits to Tuol Mtes.<sup>1969</sup> A witness who was sent to do rice field work around 2 kilometres away from Tuol Mtes from approximately May or June 1977 to 1979<sup>1970</sup> also stated that s/he never knew **Ta Tith**.<sup>1971</sup> Witness NUON Muon (នួន មួន), who was an assistant in Sector 1 under the tenure of the Northwest cadres and who was kept at Tuol Mtes when the Southwest cadres arrived, stated that s/he had never heard of **Ta Tith** being at Tuol Mtes.<sup>1972</sup> A witness who transported rice seedlings from Tuol Mtes to be distributed to rice fields clarified that he had heard of **Ta Tith**, but he had never seen him.<sup>1973</sup>

### 2.2.8. TUOL ANDAET (ទួលអណ្តាត)

480. Wat Tuol Andaet (Tuol Andaet Pagoda) was located in Doung (ដូង) Village, Chaeng Mean Chey (ចែងមានជ័យ) Commune, Banan District, Battambang Province.<sup>1974</sup> Witnesses clarified that Wat Tuol Andaet was around 300 to 400 metres away from Kang Hort Dam Worksite.<sup>1975</sup> Wat Tuol Andaet was both a killing site and a detention facility.<sup>1976</sup> However, some witnesses stated that Wat Tuol Andaet was not a security office, nor a prison, nor a detention facility.<sup>1977</sup> It was used for storing broken trucks and machinery from Kang Hort dam which were to be repaired, and sometimes it was also used for detaining people temporarily.<sup>1978</sup>
481. The compound of Wat Tuol Andaet covered an area of around 1 hectare; there was one building which was used for storing machinery, and around 20 metres away from that building was a windowless wooden building with a roof made of zinc sheets measuring 6 metres by 8 metres which was used for detaining serious offenders.<sup>1979</sup> Around 30 metres away from that wooden building was one wall-less building which was guarded by security guards and was used for detaining light offenders.<sup>1980</sup> Wat Tuol Andaet was operational until the arrival of Vietnamese forces.<sup>1981</sup>
482. Witness CHHĀM Luy (ឆាំ លុយ), who was detained at Wat Tuol Andaet, stated that *Ta* Nim (នីម) was in charge of Wat Tuol Andaet, and soldiers armed with AK rifles and B-90 rocket launchers guarded that place.<sup>1982</sup> Another witness KĀO Porn (កៅ ពន) stated that he met *Ta* Nim once at Tuol Andaet and *Ta* Nim ordered the witness to carry a gun.<sup>1983</sup>
483. Many people disappeared from the village because those people were arrested and sent to be detained at Wat Tuol Andaet, being accused of being traitors or Yuon networks.<sup>1984</sup> Soldiers arrested people and their family members, and transported the prisoners in trucks, with between 20 and 40 people being arrested at one time.<sup>1985</sup> Witness CHHĀM Luy, who was arrested at that time, stated that upon arrival at the security office, prisoners were divided into two groups. Some prisoners were selected and taken to be shot to death instantly because the Khmer Rouge had clear information about their connections with the Yuon, whereas the prisoners who were not taken to be killed immediately were detained at another place which was around 30 metres away from that building in order to collect more information.<sup>1986</sup> The witness CHHORN Hea (ឈន ហ៊ី) stated that his cousin and his wife and mother were taken to be detained at Wat Tuol Andaet.<sup>1987</sup>
484. The witness did not actually see the killings, but saw soldiers escorting prisoners to be killed at dusk,<sup>1988</sup> and heard the voices of around 20 prisoners, including children, who had been selected to be killed. According to the

witness, some remaining prisoners were sent to Phnom Thipakdei, and others were shot to death.<sup>1989</sup>

485. Witness CHHORN Hea estimated that the number of people killed at Wat Tuol Andaet was over 100.<sup>1990</sup> Witness CHHĂM Luy stated that under *Ta Nim's* tenure at Wat Tuol Andaet, his relatives and many people in the area were taken to be killed.<sup>1991</sup>
486. The witness believed that it was because **Ta Tith**, who was Sector 1 Secretary, issued orders to kill people, and *Ta Nim*, who was a Southwest cadre and a subordinate of **Ta Tith**, also killed many people in Sector 1, accusing those people of having connections with Vietnam.<sup>1992</sup> The witness believed that **Ta Tith** visited *Ta Nim's* office at Wat Tuol Andaet, but the witness never saw **Ta Tith** visiting Wat Tuol Andaet nor met **Ta Tith**.<sup>1993</sup>

### 2.2.9. KRALOENG DOM (ក្រុងឃុំដំ)

487. Kraloeng Dom was a worksite in Sector 1 of the Democratic Kampuchea regime. Kraloeng Dom Worksite was located in a rice field area around 2 to 4 kilometres east of Kang Hort Dam<sup>1994</sup> and was located next to Tuol Mtes Worksite.<sup>1995</sup> One canal ran from Kang Hort through Kraloeng Dom.<sup>1996</sup> This worksite was in operation until the arrival of the Vietnamese forces.<sup>1997</sup>
488. As regards to the administrative structure of the worksite, no witness could provide clear information about the administrative structure of Kraloeng Dom Worksite,<sup>1998</sup> and only witness CHUON Thân (ជួន ថ័ន) stated that s/he was a cadre in charge of Kraloeng Dom Worksite and reported to the Traeng Cooperative Chairperson named Chhean (ឈ័ន).<sup>1999</sup>
489. The workers at Kraloeng Dom Worksite included members of mobile male and female youth units, and ordinary people.<sup>2000</sup> In fact, witness CHUON Thân, who was the chairperson of a mobile unit, stated that in early 1978, s/he was in charge of a mobile unit comprised of around 50 members, and his/her unit was sent by the cooperative chairperson to do rice field work at Kraloeng Dom.<sup>2001</sup> Upper echelons laid down the plan by assigning his/her unit to grow rice in an area of 100 hectares, and to tend five pairs of cows.<sup>2002</sup>
490. The working conditions at Kraloeng Dom were very difficult; workers were forced to work without rest.<sup>2003</sup> In addition, at Kraloeng Dom Worksite, workers were not given sufficient food.<sup>2004</sup> A witness stated that s/he fled Kraloeng Dom because of lack of food, and s/she was chased.<sup>2005</sup>
491. Witness CHUON Thân stated that people were not mistreated, and the workers at Kraloeng Dom Worksite were not killed.<sup>2006</sup> The testimonies of all witnesses show that none of the witnesses saw **Ta Tith** visiting Kraloeng Dom Worksite.<sup>2007</sup>

## 2.2.10. TRACH KRAOL (ត្រាចក្រោល) PRISON OR BOENG BAT KANDAL (បឹង បាតកណ្តាល) PRISON

492. Trach Kraol Security Office or Boeng Bat Kandal Prison was located in Trach Kraol (ត្រាចក្រោល) Village, Boeng Khnar (បឹងខ្នារ) Commune, Bakan District, Pursat Province.<sup>2008</sup> The compound of this security office was surrounded with wooden fences and barbed wire,<sup>2009</sup> and contained two detention buildings which were long halls measuring around 3 metres in width and around 5 metres in length.<sup>2010</sup> One detention hall was used for detaining male prisoners and another detention hall was used for detaining female prisoners. The Khmer Rouge also built huts. Three or four prisoners stayed in each hut.<sup>2011</sup> In addition, the compound of Trach Kraol Prison contained one building where traditional medicine was made and it was called the social affairs office. It was under the control of *Ta Chhoeun* (លឿន) and included a cassava plantation where prisoners worked and a sugar warehouse.<sup>2012</sup>
493. In 1976, this security office was launched in Thkoul (ថ្កុល) Village, Bat Kandal (បាតកណ្តាល) Commune, Bakan District, Pursat Province, and the person in charge was *Ta Khin* (ហ៊ិន), and in approximately 1977 it was moved to Boeng Kul (បឹងគុល) Pagoda.<sup>2013</sup> Later, the security office was moved to Trach Kraol Village, and it was named Trach Kraol Security Office. That was its last location<sup>2014</sup> and it was around 1 kilometre away from Boeng Kul Pagoda.<sup>2015</sup> This security office was in operation until the arrival of the Vietnamese forces.<sup>2016</sup>
494. Trach Kraol Security Office was under the control of Kdat (ក្តាត) District (current Bakan District). People from all the villages and communes were sent to this office<sup>2017</sup>. There have been different claims made concerning the name of the chairperson of Trach Kraol Security Office because the leadership changed from one period to another. The names that witnesses mentioned may have been the cadres in charge of this security office at different periods of time. Witness IM Pum (អ៊ឹម ពុំ), who was detained in Trach Kraol Security Office for over one year, stated that the Trach Kraol Security Office Chairperson was Khon (ខុន). Bi (បី) may have been the Chairperson or the Vice-Chairperson at Trach Kraol because both of them worked together.<sup>2018</sup> Witness SOEM Voeun (ស៊ឹម វៀន), who was a former prisoner at this security office for six months before the arrival of the Vietnamese, stated that Di (ឌី) was this Security Office Chairperson.<sup>2019</sup>

495. Witness AM Sokhon (អ័ម សុខុន), alias Khon (ខុន), who was a former Trach Kraol Security Office Chairperson for a period, clarified that the cadre who was in charge of Trach Kraol Security Office when it initially began its operation was *Ta* Khin.<sup>2020</sup> After the security office was moved to Boeng Kul Pagoda, Chhão (ឃ័រ) and Yãn (យ៉ាន) took charge, and shortly after that, they were taken to be killed, approximately in 1977.<sup>2021</sup> Later, the witness was appointed to take charge of this security office, which at that time was still located in Boeng Kul Pagoda, until he was removed in 1978 and Pim (ព័ម) was sent to take charge of this security office.<sup>2022</sup> The witness added that Di was also a chairperson of Trach Kraol Security Office.<sup>2023</sup> In addition, around 50 to 60 Khmer Rouge cadres and soldiers took turns to keep guard and stand by.<sup>2024</sup>
496. The witness estimated that this security office held around 200 to 400 people.<sup>2025</sup> The prisoners who were arrested and sent there included 17 April people and Khmer Rouge cadres, including men, women and children, who were accused of being enemies and feudalists, committing moral offences, disobeying orders, or rejecting forced marriages.<sup>2026</sup> The male and female prisoners were detained separately.<sup>2027</sup> Prisoners were not allowed to walk around freely.<sup>2028</sup> Between 50 and 60 prisoners<sup>2029</sup> were detained in each detention hall. Cuffs and shackles were placed on their hands, legs and necks.<sup>2030</sup> If any prisoner tried to flee and was captured, that prisoner was tortured to death.<sup>2031</sup> In fact, three prisoners who tried to flee were arrested and killed by having their abdomens cut open.<sup>2032</sup> Another prisoner was decapitated.<sup>2033</sup>
497. 'Old' prisoners were taken away to be killed before 'new' prisoners were brought in.<sup>2034</sup> In fact, the witness saw soldiers and prison guards escorting prisoners to be killed in a forest and carrying the prisoners' belongings back with them when they returned.<sup>2035</sup> A witness saw Khmer Rouge soldiers escorting around 15 prisoners to be shot to death in a forest around 500 metres away from Trach Kraol Prison.<sup>2036</sup> Another witness stated that when he went to work outside the prison, he saw hundreds of corpses of prisoners who had been killed that were scattered across the field behind the prison.<sup>2037</sup>
498. A witness stated that in 1977 and in 1978 the killings at Trach Kraol Security Office increased dramatically.<sup>2038</sup> The witness saw first-hand militiamen taking people with fair complexions, and those with Chinese and Yuon looks, including children, to be tortured or killed every night near Trach Kraol Security Office.<sup>2039</sup> Some victims, including *Ta* Nem (តែណេម), who was on the Sector 7 Committee, were taken to be killed because they spoke with a Vietnamese accent.<sup>2040</sup> Chhão and Yan were in charge of Trach Kraol Security Office, but shortly after they took charge of the security office, both of them were taken to be killed for reasons that are not known.<sup>2041</sup>

499. Most of the witnesses who provided information about Trach Kraol Security Office stated that they did not know, nor had ever heard of **YIM Tith** or **Ta Tith** during the Democratic Kampuchea regime.<sup>2042</sup>

### 2.2.11. SEXUAL VIOLENCE AGAINST THE KHMER KROM AND EAST ZONE PEOPLE IN BAKAN (ប៉ាកាន) DISTRICT

500. Four witnesses who saw incidents first hand stated that the rapes in Bakan District occurred at Andoung Char (អណ្តូងចារ), Taing Krasaing (តាំងក្រសាំង), Tuol Pongro (ទួលពង្រង), and outside Phum Veal Security Office near the killing site.<sup>2043</sup> In addition, one witness heard from others that rapes occurred at Tuol Prahout (ទួលប្រហ្នត).<sup>2044</sup> Rapes in Bakan District occurred from 1975 through to almost the end of the Khmer Rouge regime.<sup>2045</sup> Witnesses stated that Chhung (ឈ្មួង) and Prolit (ព្រលិត) gave a pretty girl to Kung (គង់) so that he might rape her.<sup>2046</sup> Another witness stated that soldiers, militiamen, and executioners raped women before killing them.<sup>2047</sup> A witness clarified that Kung raped a girl.<sup>2048</sup> Before raping and killing women, executioners always drank wine.<sup>2049</sup> The witness did not know the number of rapists.<sup>2050</sup> Pretty girls and women were the targets of rape before they were killed.<sup>2051</sup> Most of the female victims were Khmer Krom, Khmer women,<sup>2052</sup> and a women from the East Zone.<sup>2053</sup> The witness saw first hand, from around 30 metres away from the raping site, that there were three to four female victims.<sup>2054</sup> Some of those female victims were around 16 years old,<sup>2055</sup> and some of them were probably 30 years old.<sup>2056</sup>
501. Militiamen pulled the female victims to a corner, took off their clothes, stepped on them, and raped them.<sup>2057</sup> In addition, a rapist pushed a bamboo stick into the vagina of one woman.<sup>2058</sup> The witness stated that the rapes occurred from around 7 to 8 until all the rapists were satisfied, but the witness did not specify whether this was during day or at night time.<sup>2059</sup> A witness saw two women being raped at night.<sup>2060</sup> Another witness stated that rapes also occurred before dawn.<sup>2061</sup>
502. Based on the testimonies of many witnesses, in general, women were raped before they were killed,<sup>2062</sup> and some women were killed by having their throats cut.<sup>2063</sup> The soldiers who raped and killed those women were not punished.<sup>2064</sup> However, a witness stated that those who raped and killed those women were later arrested and killed. This might have happened on account of orders from the District Committee that district soldiers should arrest those rapists.<sup>2065</sup>

### 2.2.12. DAMNAK REANG (ដំណាក់រាំង) EXECUTION SITE

503. Damnak Reang was an execution site near Pailin.<sup>2066</sup> Initially, people were arrested because they fled into the jungle because they were afraid of being killed by the Khmer Rouge; however, later those people were released on orders

from NUON Chea (នួន ផា).<sup>2067</sup> After being released for around three days, around 40 people were arrested again by soldiers led by **Yim Tith**, the sector secretary, and they were sent to be detained at Banan.<sup>2068</sup> The arrests of those people were carried out on the order of *Ta Mok* in order to 'sweep the nation clean'.<sup>2069</sup>

504. The witness added that prisoners were transported in trucks to be killed at Damnak Reang.<sup>2070</sup> The witness added that the people who had been killed were buried.<sup>2071</sup> However, some people escaped from the killings with only injuries to their limbs.<sup>2072</sup>

### 2.2.13. WAT KANDAL (វត្តកណ្តាល) SECURITY OFFICE

505. Wat Kandal Security Office was located on the eastern bank of Sangkae River, in the middle of Battambang town, and it was the largest prison in the Northwest Zone.<sup>2073</sup> Witness TOAT Thoeun (ទាត់ ថឿន) stated that Wat Kandal Security Office was a security office of the Centre. He (the witness) was told by *Ta Nhim's* (ញឹម) messengers who were called Nam (ណាម) and Khuong (ខួង).<sup>2074</sup> The same witness added that this office was under the direct control of the Centre, not the Zone.<sup>2075</sup> CIJ witnesses LIM Tim (លីម ទឹម) and SOKH Èm (សុខ ឯម) stated that the Wat Kandal Security Office Chairperson was Kây (កយ).<sup>2076</sup>
506. Another witness named CHHORN Vorn (ឈ័ន វ៉ន), a former body guard of *Ta Nhim*, stated that in late 1978 he saw two truckloads of soldiers searching *Ta Nhim's* house whilst the witness was transporting *Ta Nhim's* wife to another village.<sup>2077</sup> When the witness came back and reached Battambang town, he was arrested and detained at Wat Kandal, which was controlled by Southwest soldiers.<sup>2078</sup> In March 1977, witness LIM Tim was arrested and detained at Wat Kandal for a period and was subsequently released. He was inside the truck but he was not the truck driver driving the truck and it hit the lathe factory in Phnum Sampov (ភ្នំសំពៅ).<sup>2079</sup>
507. The detention building of this security office was three storeys high and contained "many cells for detaining prisoners".<sup>2080</sup> Wat Kandal was a carefully organised prison; lists of prisoners were kept;<sup>2081</sup> prisoners were photographed; and written documents together with prisoners' biographies were kept.<sup>2082</sup> In 1978, prisoners were interrogated, tortured and killed inside the pagoda or inside the houses near the pagoda.<sup>2083</sup> Witness VÂN Nat (វ៉ាន់ ណាត), who was detained at Wat Kandal from 31 December 1977 to 07 January 1978,<sup>2084</sup> was taken to a forest behind the prison and was kept inside "a small concrete house",

where he saw “very long iron bars, clubs, plastic bags and sticks” that were hanging on the walls, and he saw “fresh blood stains” under his chair as well.<sup>2085</sup>

508. Electrocutation was used as a method to torture prisoners to obtain confessions.<sup>2086</sup> An atmosphere of fear existed at Wat Kandal; prisoners knew that other prisoners were tortured<sup>2087</sup> and they were afraid that they would face the same fate.<sup>2088</sup>
509. The living conditions in the prison were very inhumane. VĂN Nat was given one plateful of rice gruel to share with six other prisoners,<sup>2089</sup> and the prisoners were not allowed to drink water.<sup>2090</sup> Prisoners were shackled at their legs<sup>2091</sup> or were locked up in a wooden warehouse.<sup>2092</sup> Most of the prisoners who were taken to Wat Kandal Security Office were never seen again.<sup>2093</sup>
510. So far, no estimate has been made of the number of people who were killed at this security office; however, a survivor stated that prisoners were killed almost every day.<sup>2094</sup> Corpses were pulled out “as if they were animals, with their legs and hands tied to a bamboo club”.<sup>2095</sup>

#### 2.2.14. WAT BANTEAY NEANG (វត្តបន្ទាយនាង) SECURITY OFFICE

511. Wat Banteay Neang Security Office was located in Phnum Lech (ភ្នំលើច) Village, Banteay Neang (បន្ទាយនាង) Commune, Mongkol Borei (មង្គលបុរី) District, Banteay Meanchey (បន្ទាយមានជ័យ) Province.<sup>2096</sup> Wat Banteay Neang Security Office or Security Office 230<sup>2097</sup> was located in the compound of Banteay Neang Pagoda. It had an area of around 1 kilometre square (1 kilometre by 1 kilometre) and was guarded by soldiers.<sup>2098</sup> Inside the compound of the pagoda were the *vihara*, monks' monasteries, southern and western wooden buildings where serious and light prisoners were detained,<sup>2099</sup> a wooden wall-less interrogation building,<sup>2100</sup> and a wooden house where the cadres worked.<sup>2101</sup> Evidence shows that people were killed both inside and outside the compound of Wat Banteay Neang.<sup>2102</sup> This security office was established by the Northwest cadres and began operation in 1976;<sup>2103</sup> when the Southwest cadres arrived, this security office continued to be in operation until the arrival of the Vietnamese in 1979.<sup>2104</sup>
512. Some witnesses stated that Banteay Neang Security Office was under the control of the military because both the personnel and guards there were soldiers.<sup>2105</sup> This security office was initially established by the Northwest Zone and was managed by Sokh (សុខ),<sup>2106</sup> the Chairperson. When the Southwest cadres came to take charge, Sokh remained the Security Office Chairperson and he continued to be in charge of interrogations until he was taken to be killed after the arrival of the Vietnamese.<sup>2107</sup> Witness MĂN Chuon (ម៉ាន់ ជួន), who was detained for one week at Wat Banteay Neang Security Office, stated that s/he

knew Măo, who was the Prison Guard Unit Chairperson, but the witness did not know the Wat Banteay Neang Prison Chairperson.<sup>2108</sup>

513. Witness MĂN Chuon added that s/he was detained over there in approximately early 1976, and s/he saw 12 guards;<sup>2109</sup> whereas a witness who lived near the security office from early 1977 to the end of the regime stated that s/he saw between 20 and 30 guards patrolling the security office.<sup>2110</sup>
514. In early 1977, under the tenure of the Northwest cadres and before the arrival of the Southwest cadres, the arrests increased. Most of the victims were former soldiers and government officials of the LON Nol regime, and people who committed moral offences.<sup>2111</sup> However, when the Southwest cadres arrived, they began arresting the Northwest cadres<sup>2112</sup> from village- and commune-level cadres<sup>2113</sup> to zone-level cadres;<sup>2114</sup> such arrests increased dramatically in October or November 1978.<sup>2115</sup> A witness stated that when the Southwest cadres arrived, many of the Northwest cadres were removed, and some of the Northwest guards and soldiers continued to work at this security office under the control of the Southwest cadres.<sup>2116</sup>
515. Some witnesses estimated that Wat Banteay Neang Security Office could hold hundreds of people.<sup>2117</sup> The prisoners included men, women and children, all of whom were detained together, without being separated.<sup>2118</sup> Most of the prisoners were men; they were new people, former LON Nol<sup>2119</sup> soldiers and Northwest cadres.<sup>2120</sup> Sometimes, those prisoners were transferred to other security offices such as Serei Saophoan (សិរីសោភ័ណ) Security Office<sup>2121</sup> and Chamkar Khnol (ចំការខ្នុរ) Security Office.<sup>2122</sup> A witness who lived near the security office stated that s/he saw the Khmer Rouge bringing in around 10 or more people in army Jeeps every day.<sup>2123</sup>
516. In the detention hall, all the prisoners lay on their backs in lines with one of their legs in wooden shackles.<sup>2124</sup> There were 120 to 130 shackles, and around five to eight prisoners were put in one shackle.<sup>2125</sup> Prisoners were tortured by guards and interrogators who beat and kicked them or hit them with clubs.<sup>2126</sup> In addition, some prisoners were beaten with metal pipes, hanged, or suffocated by having their heads covered with plastic bags, and some were electrocuted with electricity generated from a small generator.
517. Prisoners were tied up in lines by armed soldiers and were escorted to be killed in groups of eight to 10 almost every day. Most of the killings were carried out at night.<sup>2127</sup> The prisoners were taken to be killed. They were beaten or shot to death, and sometimes prisoners were choked or their abdomens were cut open.<sup>2128</sup> A witness stated that s/he saw the Khmer Rouge taking prisoners to be killed outside the compound, around 200 metres away from the detention hall and west of Wat Banteay Neang, and later the witness saw the clothes and shoes of the victims who had been killed.<sup>2129</sup> Another witness stated that s/he knew about an incident in which 50 to 60 prisoners were killed when the prisoners were taken from the detention hall to dig a canal around 1.5 kilometres away from the pagoda, and those prisoners were killed and buried in the canal.<sup>2130</sup>

518. Witness SAM Sokhân (សំ សុខាន់), who lived near Wat Banteay Neang Security Office until mid-1977, stated that he saw pits inside and outside the compound of Wat Banteay Neang, and each pit contained eight to 10 corpses and other pits outside the pagoda contained between 15 and 20 corpses.<sup>2131</sup> This witness added that after the collapse of the Khmer Rouge regime he captured Sokh, who was the Wat Banteay Neang Security Office Chairperson, who told the witness that around 9,000 people were killed inside and outside the pagoda compound.<sup>2132</sup> In 1976, under the tenure of the Northwest cadres, a witness saw new pits once every four days, and heard the screams of prisoners when they were tortured and every time he heard the sound of the generator.<sup>2133</sup>
519. Other witnesses estimated that after 1979 there were between 100 and 200 pits, each containing 10 to 25 corpses, inside the 1-hectare killing site right in front of Wat Banteay Neang.<sup>2134</sup> Between 3,500 and 5,000 victims were killed there.<sup>2135</sup>
520. None of the witnesses who provided information about Wat Banteay Neang knew, nor mentioned **Tu Tith**, the charged person, in connection Wat Banteay Neang Security Office. A witness provided the names of local Southwest cadres, but the witness did not know sector level cadres nor cadres.<sup>2136</sup> In addition, another witness who lived near Wat Banteay Neang believed that this office ceased operation when the Southwest cadres arrived because the Northwest cadres abandoned this office; he did not see prisoners in the compound of this security office, and people were no longer forbidden to travel past the pagoda.<sup>2137</sup>

### 2.2.15. WAT THOAMAYUTT (ធិប្បយុត្តិ) SECURITY OFFICE

521. Thoamayutt Pagoda (which is now called Bopha Vattei (បូផាវត្តិ) Pagoda) was located in Ream Kon (រមកន់) Village, Kear (គោរ) Commune, Moug Ruessei (មោងប្រស្សី) District, around 50 kilometres south of Battambang town and around 1 kilometre away from Moug Ruessei District Office.<sup>2138</sup> During the Democratic Kampuchea regime, Moug Ruessei District was divided between Sector 1 and Sector 4 of the Northwest Zone.<sup>2139</sup> This security office was located in the compound of Thoamayutt Pagoda,<sup>2140</sup> and the *vihara* (the temple sanctuary), which was located around 50 metres from an entrance, was used by Khmer Rouge cadres as an interrogation hall.<sup>2141</sup>
522. Wat Thoamayutt Security Office was both a detention facility and a killing site. In the eastern section of the security office's compound, and behind the *vihara*, were two killing sites where prisoners were killed and their corpses were dumped.<sup>2142</sup> Wat Thoamayutt initially operated as a security office in 1976.<sup>2143</sup> This security office was in operation until the end of the Democratic Kampuchea regime in 1979.<sup>2144</sup>

523. Wat Thoamayutt Security Office was under the control of the district, and was used for detaining serious offenders in the district.<sup>2145</sup> Witness HUY Kroem (ហ៊ុយ ក្រីម), who was formerly a prisoner at Wat Thoamayutt Security Office, stated that Sokh (សុខ) was the of Wat Thoamayutt Security Office Chairperson throughout the Democratic Kampuchea regime.<sup>2146</sup>
524. Militiamen spied on the people in the villages and reported to Sokh, the Wat Thoamayutt Security Office Chairperson, in order to arrest those people.<sup>2147</sup> All the prisoners there were shackled at their legs, and male prisoners wore only shorts, whereas female prisoners were detained separately from male prisoners.<sup>2148</sup> Interrogations were conducted inside the *vihara*.<sup>2149</sup> Interrogators tortured prisoners by beating them or covering their heads with plastic bags until they suffocated, and in one day, the Khmer Rouge interrogated three or four prisoners.<sup>2150</sup> Prisoners were taken out of the detention hall to be interrogated inside the *vihara* before they were taken to a killing site.<sup>2151</sup>
525. A witness stated that s/he saw the killings of around 20 to 30 prisoners, including men, women and children, at a site around 100 metres south of Thoamayutt Pagoda. The witness added that prisoners were transported in trucks, and the Khmer Rouge soldiers took one prisoner at a time to be smashed with clubs or metal pipes and pushed into pits.<sup>2152</sup>
526. Mobile unit members who worked near Wat Thoamayutt Security Office were also taken to be killed at Wat Thoamayutt Security Office. Mobile unit members were arrested at night and were taken to be killed at a site near Wat Thoamayutt, and screams were heard from that site.<sup>2153</sup>
527. According to the report by Henri Locard, Southwest cadres were present at that site in August 1977.<sup>2154</sup> By that time, the Northwest cadres had been changed three times already; every time a change was made, 'old' cadres were taken to be killed,<sup>2155</sup> and only later did the Southwest cadres begin killing people.<sup>2156</sup>
528. A report by the Documentation Centre of Cambodia estimated that around 1,000 victims were killed at this security office, and the killings became "very serious" in November and December 1978, when all villagers were killed by the Southwest cadres and "Ta Mok's supporters".<sup>2157</sup>

## 2.2.16. PHNOM TRAYOUNG (ភ្នំព្រៃយាង) WORKSITE AND SECURITY OFFICE

529. Phnom Trayoung Worksite and Security Office was established in perhaps June or July 1977.<sup>2158</sup> This worksite and security office was established before the arrival of the Southwest cadres.<sup>2159</sup> Phnom Trayoung Security Office was considered a big prison in Sector 5, and this security office was under the direct control of the Sector 5 Secretary.<sup>2160</sup> Soeun (ស៊ីន) was the Phnom Trayoung

Security Office Chairperson,<sup>2161</sup> and in his capacity as chairperson, Soeun reported to the Sector 5 Committee Chairman, *Ta Rin* (តារិន),<sup>2162</sup>

530. Phnom Trayoung Worksite and Security Office comprised tempering sites, rock quarry sites, detention facilities, and killing sites.<sup>2163</sup> As regards the workers at Phnom Trayoung Worksite, the workers whom the Khmer Rouge trusted were allowed to work far from the site; however, those who were not trusted were required to work near the site because those who worked far from the site ran away frequently.<sup>2164</sup> As regards the food rations at Phnom Trayoung Worksite, one person was given one-and-a-half canfuls of milled rice, and later the amount was reduced to only one canful of milled rice.<sup>2165</sup>
531. As regards the working hours at Phnom Trayoung Worksite, workers started worked from 7 a.m. to 11 a.m. and from 1 p.m. to 4 p.m.<sup>2166</sup>
532. There were around 600 people at Phnom Trayoung Worksite.<sup>2167</sup> People were not allowed to walk close to Phnom Trayoung Security Office.<sup>2168</sup> The people with bad biographies or those who committed mistakes in cooperatives or communes were arrested and sent to Phnom Trayoung Security Office, and most of them were killed.<sup>2169</sup> Most of the prisoners at Phnom Trayoung Worksite and Security Office were new people or 17 April people.<sup>2170</sup> The prisoners at this security office were arrested and transported in horse carts and trucks, and sometimes one person or two people or one family were arrested and brought in.<sup>2171</sup>
533. Each detention hall could house around 50 people, who were put in shackles in long lines.<sup>2172</sup> Serious offenders were shackled in a hall north of Phnom Trayoung, but when it was time to kill prisoners, those prisoners were taken away.<sup>2173</sup> Frequently, the prisoners at Phnom Trayoung Security Office were taken to be killed at night.<sup>2174</sup>
534. In early 1978, around 1,000 Vietnamese families were sent to be killed at Phnom Trayoung Security Office.<sup>2175</sup> Shortly before the end of the Democratic Kampuchea regime, all the prisoners at Phnom Trayoung Security Office were taken away to be killed on the direct order of *Ta Soeun*, and around 30 soldiers killed all those prisoners.<sup>2176</sup> When prisoners were killed, those prisoners were ordered to kneel down at the edge of a pit with their hands tied, and they were then beaten with clubs or hoes.<sup>2177</sup> A witness stated that “there were both male and female prisoners, and male prisoners were dressed, whereas female prisoners were naked”.<sup>2178</sup>
535. The people who were arrested and sent to Phnom Trayoung Security Office included those who stole the belongings of others.<sup>2179</sup> The people who were arrested from mobile units in Preah Netr Preah (ព្រះនេត្រព្រះ) District were also sent to Phnom Trayoung security office.<sup>2180</sup> The prisoners at Phnom Trayoung Security Office were classified into two categories: light offenders and serious offenders.<sup>2181</sup> Light offenders were arrested and detained because they had committed minor mistakes and they were subsequently released; in contrast,

serious offenders were taken to be killed.<sup>2182</sup> Many prisoners were taken to be killed at the foot of Phnom Trayoung Mountain.<sup>2183</sup> Witnesses estimated that many victims were taken to be killed at Phnom Trayoung Security Office; however, the exact number could not be determined.<sup>2184</sup>

### 2.2.17. SPEAN SRENG (ស្ពានស្រែង) AND PREY RONEAM (ព្រៃរនាម) WORKSITE

536. Spean Sreng and Prey Ronean Worksite was located in Preah Netr Preah District, Sector 5, Northwest Zone. Spean Sreng Dam was 8 kilometres long.<sup>2185</sup>
537. Around 1,300 people were deployed at the worksite. At this worksite, people were forced to work; there was a lack of food and clothes; people were threatened with death, and people were killed because of committing minor mistakes.<sup>2186</sup>
538. Many witnesses who were at the site stated that they had never heard of nor knew **Ta Tith**. Some witnesses had heard of **Ta Tith**, but they did not know about his role.
539. Witness CHHIT Yoeuk (ឈិត យ៉ឺក), who was a militiaman and later worked in the Preah Netr Preah District administrative section<sup>2187</sup> from 1975, said, “I have heard of **Ta Tith**, but I did not know him.”<sup>2188</sup> Witness TUM Soeun (តូ ស៊ុន), who was transferred from Tram Kak to the Northwest Zone in March 1977<sup>2189</sup> and was appointed as the Northwest Zone Sector 5 Mobile Unit Chairperson,<sup>2190</sup> stated that **Ta Tith** was the son-in-law of **Ta Mok**, but the witness did not know about **Ta Tith**'s role because **Ta Tith** was sent to Sector 3 in Battambang. Witness BOU Măo (ប៉ូ ម៉ៅ), who worked in the Sector 5 mobile unit,<sup>2191</sup> stated that s/he had never heard of **Ta Tith**.<sup>2192</sup> Witness NIT Sut (និត ស៊ុត) consistently stated that s/he had never heard of **Ta Tith**.<sup>2193</sup>

### 2.2.18. RAPE IN PREAH NETR PREAH DISTRICT

540. Witness PHEACH Ros (ភាច រស់) stated that on the orders of the Southwest cadres,<sup>2194</sup> in 1977,<sup>2195</sup> at Kon Damrey (កូនដំរី) in Preah Netr Preah District, two Vietnamese female siblings named Săn (សាន់) and Nuon (នួន), who had been living in Cambodia for a long time, were called by the chairperson of Unit No. 30 of Preah Netr Preah District.<sup>2196</sup> 15 members of the mobile unit of Unit No. 30 raped those two women.<sup>2197</sup> Later, the mobile unit members pushed hoe handles into the women's vaginas, causing injuries and bleeding.<sup>2198</sup> The two women were taken to be killed at Veal Dangkieb Kdam (វាលដង្កើបក្តាម),<sup>2199</sup> and their livers were removed from their bodies and fried for food.<sup>2200</sup>

541. PHEACH Ros's testimony was not consistent with the testimony of LIN Nhâk (លីន ញ៉ាក់), which was cited by the International Co-Prosecutor in the Supplementary Submission.<sup>2201</sup> In fact, LIN Nhâk mentioned the killing of only his/her eldest sister named LIN Phally (លីន ផល្លី), who was considered Vietnamese because of her fair complexion, and who was raped, tortured and killed in Moug Ruessei District in Battambang Province in 1978.<sup>2202</sup>
542. None of the witnesses spoke about *Ta Tith's* participation at that site.

**2.2.19. WAT PREAH NETR PREAH AND RELATED DETENTION AND EXECUTION SITES (CHAMKAR DAUNG, CHAMKAR YEAY NING, CHAMKAR TA LING)**

543. Wat Preah Netr Preah (Preah Netr Preah Pagoda) was located in Preah Netr Preah (ព្រះនេត្រព្រះ) Commune, Preah Netr Preah District, Banteay Meanchey Province. There was a hospital inside this pagoda's compound.<sup>2203</sup> The hospital was not used as a prison.<sup>2204</sup> There were several execution sites near the compound of Wat Preah Netr Preah, namely Chamkar Yeay Ning (ចំការយាយនីង), Chamkar Daung (ចំការដូង), and Chamkar Ta Ling (ចំការតាលីង). Chamkar Daung was close to and opposite Chamkar Yeay Ning and was around 1,000 to 1,500 metres northwest of *Ta Krâk's* (ក្រាក់) house.<sup>2205</sup> It also included the house of *Ta Krâk*, a member of Preah Netr Preah Commune, which was located around 800 metres north of Wat Preah Netr Preah.<sup>2206</sup>
544. The witness stated that IM Chaem (ឆឹម ថៃម), Preah Netr Preah District Secretary, convened many meetings at Wat Preah Netr Preah, and people attended a big meeting<sup>2207</sup> in which the Khmer Rouge spoke about living in solidarity and harmony with one another.<sup>2208</sup>
545. People were arrested by female cadres from the Southwest Zone, and were taken to be detained at *Ta Krâk's* house<sup>2209</sup> before they were taken to be killed at plantations nearby.<sup>2210</sup> The witness stated that people were killed at Chamkar Ta Ling.<sup>2211</sup> Nevertheless, some witnesses stated that there were no killings at that site. Other witnesses stated that mass killings were carried out behind *Ta Krâk's* house before the arrival of the Vietnamese forces.<sup>2212</sup>
546. In addition to killings, people died in hospital from illness and lack of proper treatment and medicines. Corpses were burned<sup>2213</sup> or were buried around the pagoda's compound<sup>2214</sup> or at Chamkar Daung, Chamkar Yeay Ning,<sup>2215</sup> or Chamkar Ta Ling.<sup>2216</sup> Most of the victims were men, and it was estimated that there were between 660 and 720 victims from 1975 to 1976.<sup>2217</sup>
547. None of the witnesses spoke about *Ta Tith's* participation at that site.

### 2.2.20. PHUM CHAKREY (ភូមិចក្រី) EXECUTION SITE

548. Phum Chakrey Execution Site was located west of Preah Netr Preah Security Office<sup>2218</sup> in Chakkrei (ចក្រី) Village, Chob (ជប់) Commune, Preah Netr Preah District, Banteay Meanchey Province.<sup>2219</sup>
549. Evidence suggests that people were detained for a short period at Phum Chakrey Security Office before they were killed, and detainees from other locations were also taken to be killed at this site.<sup>2220</sup> The victims who were killed at Phum Chakrey included “old” and “new” people who were accused of committing moral offences, and LON Nol soldiers.<sup>2221</sup>
550. After the Democratic Kampuchea regime, pits and human bones were found at that site.<sup>2222</sup> It has been estimated that between 1,825 and 7,300 people were killed. Nevertheless, a witness stated that around 200 people were killed at Phum Chakrey. The witness added that five to ten people were transported to be killed at one time.<sup>2223</sup>
551. None of the witnesses spoke about **Ta Tith's** participation at that site.

### 2.2.21. PREY TAROTH (ព្រៃតារ៉ុត) EXECUTION SITE

552. Evidence shows that Prey Taroth was an execution site which was located in Krasang Thmei (ក្រសាំងថ្មី) Village, Chob Commune,<sup>2224</sup> Preah Netr Preah District, Banteay Meanchey Province, Sector 5, Northwest Zone, northeast of Chakkrei Village and the district office.<sup>2225</sup> This execution site was initially used after the arrival of the Southwest cadres in late 1978 or early 1978.<sup>2226</sup>
553. A witness recalled that the soldiers who transported people to Prey Taroth Execution Site could have been district or cooperative-level militiamen.<sup>2227</sup>
554. Under the tenure of the Southwest cadres, men, women, children, babies, and old people<sup>2228</sup> were transported in trucks regularly to Prey Taroth, and were killed frequently in the evening.<sup>2229</sup> The witness stated that the trucks did not come frequently in early 1978; however, those trucks came more frequently from June or July 1978 to the end of the Democratic Kampuchea regime.<sup>2230</sup> The witness also provided evidence of the killings,<sup>2231</sup> stating that s/he heard screams during the killings<sup>2232</sup> and saw corpses at that site before the collapse of the Democratic Kampuchea regime.<sup>2233</sup>
555. The estimates of the number of victims by OCIJ witnesses who saw the pits vary, with some witnesses stating that there were fewer than 100 corpses in three pits and others saying that there were hundreds of corpses in two pits.<sup>2234</sup> Based on the conservative estimate of five pits, there is sufficient evidence to conclude that there were at least 100 victims, taking all the pits into consideration.
556. None of the witnesses spoke about **Ta Tith's** participation at that site.

## 2.2.22. LA-ANG KUOY YUM (ល្អាងគួយយ៉ុម) EXECUTION SITE

557. La-Ang Kuoy Yum was a small cave<sup>2235</sup> located behind Ou Prasat (អូរព្រៃសាទ) high school in Phnum Thum (ភ្នំធំ) Village, Ou Prasat (អូរព្រៃសាទ) Commune, Mongkol Borei District, Banteay Meanchey Province, in Sector 3 of the Northwest Zone.<sup>2236</sup> From 1978 to early 1979, this cave was an execution site used by the Southwest cadres, where 500 people were killed.<sup>2237</sup>
558. A witness who was a rock quarry worker at Phnum Thum in Sector 3 saw the Southwest cadres coming to Phnum Thum rock quarry in October 1978, and they arrested all of the Northwest cadres of all ranks, and they replaced them.<sup>2238</sup> The witness added that the Southwest cadres assigned people and the witness to work without rest, 24 hours per day, and people were given watery rice gruel two times per day. If any person could not work, that person was taken to be killed or imprisoned. At that time, because the witness could not tolerate hard labour, the witness was detained in Phnum Thum Security Office for 18 days until the liberation by the Vietnamese.<sup>2239</sup> The witness stated that the Southwest cadres tortured him/her, tying his/her hands behind his/her back so tightly that s/he could hardly breathe and they hit him/her with ropes. According to the witness, around 200 to 300 prisoners were detained in long halls, being placed in many long wooden leg shackles, each of which was 1.8 to 2 metres long and could hold five people.<sup>2240</sup> The same witness believed that one month before the arrival of the Vietnamese, the people who were happy with the arrival of the Vietnamese were taken by the Southwest cadres to be killed at La-Ang Kuoy Yum.<sup>2241</sup> The witness added that two or three months after the arrival of the Vietnamese the witness and his/her younger sister-in-law went to collect bat droppings in La-Ang Kuoy Yum and saw blood all over the rocks at the mouth of the cave, and saw around 10 corpses whose hands were tied with nylon strings, and the witness believed that those were the corpses of the people who were happy one month before the arrival of the Vietnamese.<sup>2242</sup>
559. The witness did not mention the role and participation of **Ta Tith** in relation to La-Ang Kuoy Yum Execution Site in Sector 3. The witness did not mention the presence of **Ta Tith**, and the investigator did not ask about the administrative structure related to **Ta Tith**.<sup>2243</sup>

## 2.2.23. WAT CHAMKAR KHNOL (វត្តចំការខ្នុរ) EXECUTION SITE

560. Wat Chamkar Khnol Execution Site was comprised of a security office and a killing site which were operational throughout the Democratic Kampuchea regime,<sup>2244</sup> at least from 1976<sup>2245</sup> to November 1978 at the latest.<sup>2246</sup> Wat Chamkar Khnol (Chamkar Khnol Pagoda) or Wat Chum Kiri (Chum Kiri Pagoda)<sup>2247</sup> was located in Ou Ambel (អូរអំបិល) Village, Ou Ambel Commune, Sisophon (ស៊ីសុផុន) District,<sup>2248</sup> Sector 5,<sup>2249</sup> Northwest Zone.<sup>2250</sup>

561. There is no evidence in relation to the person in charge, of or managing, Wat Chamkar Khnol under the tenure of the Southwest cadres. Nevertheless, under the tenure of the Northwest and Southwest cadres, people were detained and killed at that site. Evidence shows that killings were carried out within the compound of the pagoda<sup>2251</sup> and the area surrounding the pagoda.<sup>2252</sup> A witness saw “many corpses scattered along the walls [of the pagoda]”, rooms with blood stains, and corpses with their hands cuffed and legs shackled. According to the witness, these people were killed in the pagoda's compound<sup>2253</sup> in November 1978.<sup>2254</sup> The corpses were marked by bruises and knife wounds, and the witness inferred that those people were tortured before they were killed.<sup>2255</sup> Since then, some graves have been found at that site.<sup>2256</sup>
562. The evidence of the number of the prisoners and victims who were killed varies. Nevertheless, no evidence shows the exact number of the victims who were killed by the Southwest cadres. During site visits, two people showed the investigators five pits, all of which had been excavated.<sup>2257</sup> There have been different estimates of the number of victims, but those estimates do not specify the periods when the victims were killed. A witness who took part in the excavation at that site in the 1980s<sup>2258</sup> counted the corpses in five pits and found 10, 16, 20, 43, and hundreds of corpses in those pits respectively,<sup>2259</sup> and saw another pit which was full of corpses.<sup>2260</sup> The witness estimated that 1,000 people were killed,<sup>2261</sup> and another witness saw two pits, one of which contained around 1,000 corpses.<sup>2262</sup>
563. The witnesses did not mention the role and participation of *Ta Tith* in relation to this site.

#### 2.2.24. TRAPEANG THMA (ត្រពាំងថ្ម) DAM WORKSITE

564. Trapeang Thma Dam Worksite was located in Trapeang Thma (ត្រពាំងថ្ម) Village, Paoy Char (ប្រាំយប់ចារ) Commune, Phnum Srok (ភ្នំស្រុក) District, Battambang Province (current Banteay Meanchey Province) Sector 5, Northwest Zone.<sup>2263</sup> Trapeang Thma dam was not completed when the Democratic Kampuchea regime collapsed.<sup>2264</sup> The construction of Trapeang Thma Dam began in 1976, but upper echelons ordered the workers to rush to complete the dam between 1976 and 1977.<sup>2265</sup>
565. Trapeang Thma Dam Worksite was under the control of the zone.<sup>2266</sup> *Ta Vāl* (វ៉ាល់), a Northwest cadre, was in charge of Trapeang Thma Dam Worksite.<sup>2267</sup> Later, *Ta Vāl* was killed in late 1977.<sup>2268</sup> Later the Southwest cadres called Yorn (យ៉ន) (or Yun (យុន) and Teav (ទាវ) came to take charge until 1979.<sup>2269</sup>
566. Trapeang Thma Dam Worksite was the construction of a huge dam which was around 8 kilometres long. The base of the dam was around 60 metres wide; the dam was around 8 metres high; and the top of the dam was around 20 metres wide.<sup>2270</sup> Around 10,000 people worked at Trapeang Thma Dam Worksite.<sup>2271</sup> A

witness stated, “around 15,000 people took part in building the dam (Trapeang Thma Dam) because in a meeting, the Khmer Rouge announced that the total number of people building this dam was 15,000.”<sup>2272</sup> (However, according to a telegram sent by Democratic Kampuchea cadres to Yugoslavian journalists, 20,000 people worked at Trapeang Thma Dam Worksite.<sup>2273</sup>

567. Workers were divided into groups, each of which was comprised of 10 people; platoons, each of which was comprised of 30 people, and companies, each of which was comprised of 150 people (Three platoons made up one company).<sup>2274</sup> Most of the people participating in building Trapeang Thma dam were male and female youths, children and middle-aged people from the mobile units.<sup>2275</sup> In fact, many witnesses were forced to work at Trapeang Thma Dam Worksite.<sup>2276</sup>
568. The working conditions at Trapeang Thma Dam Worksite were very difficult. Each worker was required to carry between 2 and 3 cubic metres of earth per day.<sup>2277</sup> If any one did not achieve the work quota, the person was not given food to eat.<sup>2278</sup> Children were also required to build the dam; however, the Khmer Rouge did not impose the same work quota as they did to adults; nevertheless, those children were assigned to carry earth according to the plans set by the Khmer Rouge.<sup>2279</sup>
569. The workers at Trapeang Thma Dam Worksite worked from 4 a.m. to 11 a.m., when they had lunch, and they resumed work from 1 p.m. to 5 p.m., when they had dinner, and then they continued working from 6 p.m. to 9 p.m..<sup>2280</sup> The workers at Trapeang Thma Worksite were not given sufficient food, and sometimes they had to eat tree leaves to fill their stomachs.<sup>2281</sup>
570. At that time, workers were required to work non-stop; they were not allowed to sit or rest, except to rest for around five minutes to drink water.<sup>2282</sup> In addition, during the working hours, workers were not allowed to talk to one another and they had to pay attention to their work. Only during the breaks could they talk to one another. If men and women talked to one another a lot, they would be accused of committing “moral misconduct”.<sup>2283</sup>
571. As regards the reporting system at Trapeang Thma Dam Worksite, the mobile unit chairpersons reported to the company chairpersons, who further reported to *Ta Vâl*, who was overall in charge of this worksite.<sup>2284</sup> If a report from any mobile unit stated that the members of that mobile unit were healthy, worked hard and achieved their work quotas, the members of that mobile unit were given sufficient food.<sup>2285</sup> As regards food rations, unit chiefs were given sufficient food rations because they ate cooked rice three times per day, and they ate cooked rice with good and delicious food, such as fish and lobsters.<sup>2286</sup>
572. If mobile unit workers at Trapeang Thma Dam Worksite committed mistakes, they would be sent to work in the Number 1 fertiliser carrying unit.<sup>2287</sup> In addition, if upper echelons allocated work to a person, and if that person did not achieve the work quota, that person would be accused of being “a traitor” and was sent into the “case unit” which meant the “offenders' unit”.<sup>2288</sup> As regards punishment, a person was assigned to carry 3 to 3.5 cubic metres of earth. If that person could not achieve the work quota, that person was taken to be

killed.<sup>2289</sup> The people at Trapeang Thma Dam Worksite died from starvation and many types of diseases, such as diarrhoea, cholera and malaria.<sup>2290</sup>

573. A witness who participated in building Trapeang Thma Dam spoke about the hygiene and food, stating, “There was no hygiene at all; people ate uncleaned rice, and as a result their faeces looked like dog dung. People defecated every where, and there were a lot of flies, which surrounded our heads when we entered the dining hall at daytime.”<sup>2291</sup> In addition, another witness stated that “during meals, we had to eat inside mosquito nets because there were so many flies”.<sup>2292</sup> In fact, the Khmer Rouge did not care about the welfare of the workers because there were no hospitals or health centres. If people fell ill, they were treated using traditional methods which were not appropriate treatment methods. Only traditional medicine which looked like rabbit droppings was given to ill people; however, most of them did not recover.<sup>2293</sup>
574. Because the work at Trapeang Thma Worksite was so difficult, some people fled to their homes, and later they were arrested and killed.<sup>2294</sup> The killings at Trapeang Thma Dam Worksite were carried out frequently at night.<sup>2295</sup> A witness stated that “people were killed and were buried at the sides of the first bridge of Trapeang Thma Dam, and those victims were women who were seven months pregnant or were about to give birth. The Khmer Rouge said that in order to make the bridge firm they had to take pregnant women to be killed and buried at the sides of the bridge.”<sup>2296</sup>
575. In 1977 and 1978, the Northwest Zone Committee visited Trapeang Thma Dam Worksite.<sup>2297</sup> The Central Committee of the Communist Party of Kampuchea never visited Trapeang Thma Dam Worksite.<sup>2298</sup> As regards the presence of the charged person, Witness CHIM Chanthoeun (ជឹម ចាន់ធឿន) stated, “I heard his name (**Ta Tith**) when I was sent to build Trapeang Thma Dam in 1978; he (**Ta Tith**) was in charge, but I did not know anything about his role (**Ta Tith's** role) I heard of **Ta Tith** when I delivered fish and shrimps to the office of the dam worksite; I heard that **Ta Tith** and zone and sector leaders would come to inspect Trapeang Thma dam; thus, all the supervisors at the dam were told to be very careful”.<sup>2299</sup> In contrast, many witnesses who lived in Preah Netr Preah District stated consistently that they did not know **Ta Tith** at all.<sup>2300</sup>

### 2.2.25. TUOL POCHREY (ទួលពោធិ៍ច្រៀង) EXECUTION SITE

576. Tuol Pochrey or Tuol Preah Chrey (ទួលព្រះច្រៀង) was located in Pring Khpos (ព្រីងខ្ពស់) Village, Srae Sdok (ស្រែស្តុក) Commune, Kandieng (កណ្តៀង) District, Pursat Province.<sup>2301</sup> Tuol Pochrey was an execution site or a killing site and a huge burial site which was located near a military base of the Khmer Republic.<sup>2302</sup>
577. Tuol Pochrey was not a detention centre, but a killing site. Prisoners who were former LON Nol soldiers and other officials were detained at the barracks in

Pou (ពោធិ៍) Village before they were taken to be killed at Tuol Pochrey.<sup>2303</sup>

However, according to the report on the identification of the sites in Pursat Province, Tuol Pochrey was also a normal security office, where cadres of the commune, district and zone levels were detained and killed, and this site was used in Pursat Province.<sup>2304</sup>

578. The witness stated that in approximately April 1975, after the victory, the Khmer Rouge gathered soldiers and police officers of all ranks who had connections with the LON Nol regime to be detained at Pochrey Barracks before they were taken to be killed at Tuol Pochrey.<sup>2305</sup> According to a witness, people from the East Zone in various cooperatives and detainees in various security offices were also taken to be killed in the rice fields near Tuol Pochrey.<sup>2306</sup> People were transported in big trucks to the killing site and were killed instantly.<sup>2307</sup> Hundreds (200 at a minimum) to 1,000 or more former LON Nol high-ranking soldiers, ordinary soldiers and other officials were killed after the liberation of Pursat town, and in the next stage, immediately after the liberation on 17 April 1975, with the Khmer Rouge saying that they were being taken to study and to meet Samdech Ov, and later they would be granted back their ranks.<sup>2308</sup> Other witnesses stated that over 3,000 corpses were transported by the Khmer Rouge to Tuol Pochrey, and those corpses were bulldozed into a pile in 1975.<sup>2309</sup>
579. Tuol Pochrey might have been used as a corpse dumping site for many years after the mass killings of the LON Nol soldiers. After the killings in 1975, no evidence shows any similar incidents at Tuol Pochrey.<sup>2310</sup>
580. Witnesses stated that the administrative structure of the Khmer Rouge in 1976 was as follows: *Ta Kân* (កែន) served on the Zone Committee; after *Ta Khlaeng* (ខ្លែង), who served on the Sector 7 Committee, was arrested in 1977, *Ta Sot* (សុត) was promoted as Sector 7 Secretary; *Ta Tauy* (តូយ) was the Sector 7 Committee Deputy Chief, and *Ta Phaeng* (ផែង) served on the Sector 7 Committee; YUK Hang (យក់ ហង់) was the Pursat Province Governor; *Ta Mão* (ម៉ៅ) served on the District 21 Committee; *Ta San* (សាន) was the of the District 21 Committee Deputy Chief (Kandieng District, formerly Bakan District); *Ta Set* (សិត) served on the District Committee.<sup>2311</sup> *Ta Sot* and *Ta Tauy* served on the Sector Committee until 1978, and later *Ta Tri* (ត្រី) replaced *Ta Sot* until the arrival of the Vietnamese in 1979.<sup>2312</sup> Many witnesses stated that Set, who served on the District Committee, personally ordered the people in Sya (ស្យា) Commune, Kandieng District, which comprised of five cooperatives, to dig ditches and to build rice field dikes.<sup>2313</sup>

581. Witness SUY Sēng Chhun (ស៊ុយ សេងឈុន), who worked in the fishing unit of a cooperative until 1979, stated that he visited Tuol Pochrey and saw four to five large raised pits, each of which measured around 10 metres square.<sup>2314</sup>
582. No witness nor evidence shows the direct or indirect participation of *Ta Tith* at this crime site.

### 2.2.26. FORCED MARRIAGES IN SANGKAE (សង្កែ) DISTRICT

583. Sangkae District or District 42 was located in Sector 4.<sup>2315</sup> *Ta Say* (សាយ), alias *Ta Vey* (វៃ), who was a Northwest cadre, was the chief of Sangkae District almost throughout the regime, and he fled three months before the collapse of the Khmer Rouge regime.<sup>2316</sup> A couple, *Ta Loek* (ឡឹក) and *Yeay Chăn* (ចាន់), were in charge, and *Yeay Chăn* was vicious and controlled her husband.<sup>2317</sup> *Yeay Chăn* controlled four communes, which were equal to half of Sangkae District.<sup>2318</sup>
584. The forced marriage in Sangkae District occurred both under the tenure of the Northwest and the Southwest cadres.<sup>2319</sup> The weddings of the people in Santuk (សន្ទុក) Village, Boeng Chhuk (បឹងឈូក) Village, Khbal Thnal (ក្បាលថ្នកល់) Village, Damnak Dangkao (ដំណាក់ដង្កោ) Village, Reang Kesei (រាំងកេសី) Village, and Reang Kraol (រាំងក្រាល) Village were held at Reang Kesei Pagoda, and some other weddings were held in Ou Sralau (អូស្រលៅ) Village, Bay Damram (បាយដំរាំ) Village, and Kampong Kou (កំពង់គោ) Village, Kampong Preang (កំពង់ព្រៀង) Commune of Sangkae District or District 42.<sup>2320</sup>
585. A witness stated that the marriages were aimed to prevent rapes committed in bushes or moral misconducts.<sup>2321</sup>
586. The witness added that there were no forced marriages;<sup>2322</sup> men chose their wives and sent their requests to *Angkar*<sup>2323</sup> or sometimes cadres requested to arrange a marriage.<sup>2324</sup> The marriages were arranged for both high-ranking cadres and ordinary people.<sup>2325</sup> The witness added that when a woman refused to get married nothing was done to her.<sup>2326</sup> However, another witness stated that those who were to marry did not dare to refuse because they were scared.<sup>2327</sup> Another witness stated that at that time there were three types of marriage in Sangkae District: forced marriage, voluntary marriage, and marriage which people accepted so that they could be allowed to stay at the base and have sufficient food rations.<sup>2328</sup>

587. According to the announcement made by *Ta Loek* and *Yeay Chăn* three or four months before the arrival of the Vietnamese, many couples were married at the same time in order to save time to do work such as transplanting rice seedlings and carrying earth.<sup>2329</sup> In one wedding ceremony, between 10, 15, 20, 30, 75, and 80 couples were married.<sup>2330</sup> In such weddings, cadres sat on chairs; whereas people sat on bricks.<sup>2331</sup> There were no religious or traditional rituals.<sup>2332</sup> Cadres chaired the weddings,<sup>2333</sup> and sometimes *Ta Pet* chaired such weddings and gave speeches, advising the couples not to quarrel.<sup>2334</sup> The ceremonies began at 6 p.m. and were lit by burning coconut leaves.<sup>2335</sup> The master of ceremonies announced that those people became husbands and wives by inviting the newly married couples to hold hands and make marriage vows, and subsequently each of them was given one ladleful of watery rice gruel before they went back home.<sup>2336</sup> Some relatives were present during the wedding ceremonies of their relatives.<sup>2337</sup>
588. The witness stated that after the weddings no one spied on the couples.<sup>2338</sup> However, another witness stated that militiamen spied on the newly married couples who did not get on with each other and reported to the upper echelons.<sup>2339</sup> A Civil Party Applicant stated that a couple, his nephew and niece, who refused to consummate their marriage, were assigned to marry different people.<sup>2340</sup>

### 2.3. NUMBER OF VICTIMS

589. 50 facts comprising security offices, execution sites and forced labour worksites were raised in the Introductory Submission of the International Co-Prosecutor. The facts of 24 crime sites were investigated by the Co-Investigating Judge, and the other facts were not investigated because there was insignificant evidence related to the charged person. The National Co-Investigating Judge has considered the evidence related to the number of victims. Witnesses provided statements about the number of the victims who died or who were killed. However, as regards one site (Samlout District), there is no information about victims, and there is no information about the exact number of victims for some crime sites (Wat Angkun Execution Site, Phum Slaeng Village Forest, and Phum Veal Security Office). Based on total calculations, approximately 53,050 victims died or were killed.
590. Evidence shows that **YIM Tith** had connections with certain sites, such as Wat Pratheat Security Office, Kang Hort Dam Worksite, Kampong Kol Sugar Factory, and Samlout District, through his visits or chairing meetings at those sites. Nevertheless, evidence does not show that the number of people dying or being killed was related to the acts of **YIM Tith**. Finally, there is uncertainty about the number of people who were killed and who died from diseases or starvation, and the number of the people who died or who were killed before the arrival of **YIM Tith** in the Northwest Zone.

## CHAPTER V. EVIDENTIARY CONSIDERATIONS

### 1. STATEMENTS OTHER THAN WRITTEN RECORDS OF INTERVIEW (WRIS) GENERATED BY THE CO-INVESTIGATING JUDGES

591. Most of the evidence relied on in Case 004/2 consists of WRIs generated by the OCIJ during the course of the investigation, which were prepared under judicial supervision and are subject to specific legal and procedural safeguards, and are thus entitled to presumption of relevance and reliability<sup>2341</sup>. I consider that the transcripts of the trial proceedings from other ECCC cases, placed on Case File 004 because of their relevance to the allegations therein, enjoy the same presumption.
592. Statements or other evidence collected without judicial supervision by entities external to the ECCC enjoy no such presumption<sup>2342</sup>. An exception to this rule is represented by statements prepared by DC-Cam, which the Trial Chamber has found to enjoy a rebuttable presumption of prima facie evidence and reliability<sup>2343</sup>. However, DC-Cam statements were generated without the judicial guarantees and formality that characterise WRIs.
593. Interviews conducted by the International Co-Prosecutor during his primary investigations, although prepared specifically for criminal proceedings, are not conducted under oath, and are not signed by and/or do not bear the thumbprints of the interviewees. They are prepared by ICP, 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, in principle, afforded higher probative value than evidence that is not collected specifically for that purpose including DC-Cam evidence<sup>2344</sup>.
594. 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 unknown<sup>2345</sup>. Civil Party Applications and victim complaints offering only general conclusions and therefore representing a “common narrative” as opposed to personal experience have been treated as insufficient to establish relevant facts<sup>2346</sup>. Out-of-court statements by civil parties have been afforded low probative value<sup>2347</sup>.
595. 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 regards 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.

### 2. TORTURE-TAINTED EVIDENCE

596. Pursuant to Article 15 of the Convention against Torture, there is an absolute prohibition against relying on information contained in statements obtained under torture<sup>2348</sup> and using such statements in the questioning of witnesses<sup>2349</sup>. Whereas: Confessions of prisoners detained in S-21 Security Office are

presumed to have been made under torture. Therefore, this is a rebuttable presumption<sup>2350</sup>.

597. Information contained in S-21 confessions that originate from persons other than the tortured victims, such as annotations made by torturers, do not fall under this prohibition<sup>2351</sup>. Article 15 neither prohibits the use of information found in the statements taken under torture during the DK to locate witnesses and interview them<sup>2352</sup>. There is thus no prohibition against the use of evidence of the witnesses identified in torture-tainted statements such as S-21 confessions and subsequently interviewed by the OCIJ<sup>2353</sup>.

## **CHAPTER VI. APPLICABLE LAW REGARDING PERSONAL JURISDICTION AT ECCC**

### **1. PERSONAL JURISDICTION AT ECCC**

598. Article 1 of the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian laws of crimes committed during the period of Democratic Kampuchea, signed on 06 June 2003 (“ECCC Agreement”) stipulates,

*“The purpose of the present Agreement is to regulate the cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial the 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 recognised by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.”*

599. Article 1 of the Law on the Establishment of the ECCC promulgated on 27 October 2004 (“ECCC Law”)<sup>2354</sup> states,

*The purpose of this law is to bring to trial the 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.”*

600. Article 2 of the ECCC Law recalls that the ECCC was established to “bring to trial the 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.”

601. The Supreme Court Chamber (“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 for the Court to properly

exercise personal jurisdiction; the criteria are thus cumulative, not disjunctive<sup>2355</sup>.

602. 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 facts 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>2356</sup>.
603. 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 outlines of the prosecution and investigation policies to be employed by the Co-Prosecutors and, independently, by the OCIJ. The SCC found them to be, in principle, unfettered by any strict rules of interpretation and, in essence, non-justiciable before the Trial Chamber or the SCC because it does not show any abuse of discretion through bad faith or unsound professional judgement<sup>2357</sup>.
604. However, in the judicial context applicable in Cambodia, such an important threshold criterion, whatever its exact legal nature, cannot be interpreted without recourse to at least some pivotal considerations. Indeed, the very reference to an abuse of discretion based on bad faith or unsound professional judgement presupposes that there are parameters against which the exercise of discretion can and must be measured, i.e. what constitutes the boundaries of good faith and sound professional judgement before the decision moves into the field of arbitrariness. In principle, the CIJs also disagree with the argument that comparison to other persons are not appropriate or feasible<sup>2358</sup>. Notwithstanding this, it becomes a secondary question of terminology whether one calls the criterion a jurisdictional requirement or a policy guideline. In essence, it entails a wide but not entirely non-justiciable margin of appreciation for the OCP and OCIJ.
605. Even though the NCIJ declares here (ICIJ stated in a different place)<sup>2359</sup> that the CIJs disagree with the SCC's classification of “personal jurisdiction” as a non-jurisdictional criterion, we feel bound, by reason of practical judicial deference to the Court's supreme appellate body, to follow the substance of the SCC case law unless there are exceptional reasons for a disagreement and for taking an openly dissenting stance. This is the case notwithstanding the fact that the only direct appellate panel for the decisions of the OCIJ is the PTC and that in a civil law system, such as that of Cambodia, there is no doctrine of *stare decisis*. Nonetheless, it would be undesirable from the point of view of clarity and uniformity of the law in a legal environment as closed as that of the ECCC for judges lower in the court hierarchy to disregard the SCC case law unless there were exceptional reasons other than the existing arguments.

## 2. THE POSITION OF THE ECCC WITHIN THE CAMBODIAN LEGAL SYSTEM: PERSONAL, TEMPORAL AND SUBJECT-MATTER JURISDICTIONS

606. The ECCC's personal jurisdiction criterion, however, gives rise to another potentially serious policy concern which needs to be addressed in this context in order to gauge the consequences of a finding of lack of personal jurisdiction, and what impact it should have on the exercise of policy discretion by the CIJs when deciding to dismiss a case based on personal jurisdiction alone.
607. The matter in question is the absence of a residual jurisdiction for the ordinary Cambodian courts over crimes committed by those who do not fall under the categories of “senior leader” or “person most responsible”. Upon close study of the negotiation history preceding the establishment of the ECCC, and the developments since, especially as set out by the SCC, the CIJs are convinced that currently no other Cambodian court has jurisdiction over any person or course of events which are within the personal, temporal and subject-matter jurisdictions of the ECCC. An argument might therefore be made that we should counter the obvious effects of this view and exercise our discretion as broadly as possible in favour of the finding of personal jurisdiction in order to avoid an unnecessary impunity gap. The NICJ disagrees with that reasoning for the reasons set out below.
608. The SCC was aware, when expressing the above-mentioned principles, that unlike in other international(ised) jurisdictions which it cited in its argument, during the negotiation history between the UN and Cambodia the contours of the law on the ECCC were settled in the knowledge that there was no negotiated residual jurisdiction of the ordinary Cambodian courts or of internationalised system as operated, for example, in Bosnia and Kosovo, or the military tribunals after World War II, for any of the perpetrators that would remain below the ECCC's envisaged responsibility threshold.
609. Indeed, the SCC explicitly acknowledged the unique position of the ECCC as compared, for example, to that of the ICTY by stating,
- “[...] the ECCC exists within the Cambodian legal system in which it exercises exclusive jurisdiction and no referral to any other court is possible.”<sup>2360</sup>
610. Similarly, the PTC expressed in 2011 that the Royal Government of Cambodia could have used its own ordinary courts to try the Khmer Rouge but instead it opted for the establishment of the ECCC:
- “[...] The [Cambodian] Government was [...] free to prosecute such crimes [...] as a basis exercise of its jurisdiction [...]. However, *rather than using its pre-existing court structure*, the Government [...] agreed with the UN to establish the ECCC [...] and *delegated its jurisdiction* to hear these cases.” [emphasis added]<sup>2361</sup>
611. Neither the Cambodian government nor the UN ever made any attempt to regulate the investigation and prosecution of those who fall short of the personal

jurisdiction threshold of the ECCC because they were not among those most responsible. It stands to reason because the goal of peace and reconciliation<sup>2362</sup>, which entails the reintegration of the Khmer Rouge into the society, was another paramount motivation of the Cambodian government. This so-called “impunity gap” and its relationship to the reintegration policy was expressly acknowledged as a fact - and as an anomaly compared to other tribunals<sup>2363</sup> - as early as 2008, for example, by the former Chief of Defence Support Section (DSS), Rupert Skilbeck.

612. More specifically, unlike other courts or tribunals set up at the international level or as hybrid (national) tribunals<sup>2364</sup>, neither the ECCC agreement nor the ECCC law contains a vertical *ne bis in idem* or primacy clause, i.e. a provision regulating the relationship between investigations, prosecutions and decisions at the national level in the ordinary courts and those at the level of the specialised court. The applicable law before the ECCC hence does not envisage a situation where a conflict of jurisdiction could exist that would require such a regulation.
613. Therefore, an unqualified comparison to the referral bench's case law, for example, of the ICTY under Rule 11 *bis* of the Rules of Procedure and Evidence in order to gauge comparable levels of seriousness and responsibility is therefore ultimately not helpful because the negotiation context in the case of the ECCC was knowingly different. The drafters of the law wanted to restrict personal jurisdiction to those with the greatest responsibility under the DK. For example, the DK death toll was estimated at the minimum of 1.7 million people<sup>2365</sup>. This figure is the same as the number of those deceased in modern conflicts, including all the situations before the ICC to date, combined. They also knew that there are a large number of potential perpetrators<sup>2366</sup>, each of whom alone could have been responsible for hundreds or thousands of deaths - the scenarios in which the ICTY Appeals Chamber, for example, overturned a referral decision because it took into account, *inter alia*, that the offender was deemed responsible for the deaths of 140 victims<sup>2367</sup>.
614. The sheer scale of the casualties in the Khmer Rouge period, the negotiation history set out by the SCC<sup>2368</sup>, as well as the evidence from the investigation in Case 004 alone, makes adopting a similar approach impossible, because measuring in such numerical categories would make many foot soldiers who routinely carried out mass executions over periods of time or their direct superior officers who ordered them become the persons most responsible, possibly leading to numerous new investigations under IR 55(4). That was clearly not something envisaged by the drafters of the law governing the ECCC, yet they were aware of the fact that this massive category of perpetrators existed and would not be brought to trial.
615. The fact that, for example, the 2010 Criminal Code included provisions on genocide, crimes against humanity and war crimes in Article 183-198 and a general provision in Article 8 stipulating that the Criminal Code

“may not have the effect of denying justice to the victims of serious offences which, *under special regulation*, are characterised as violation of international

humanitarian law, international custom, or international conventions recognised by the Kingdom of Cambodia,” (emphasis added)

does not allow the conclusion that there is jurisdiction for the ordinary courts. The reference above is to the ECCC Law, not to any law retrospectively authorising the ordinary courts.

616. Articles 3 and 10 of the 2010 Criminal Code together embrace the rules of *nullum crimen* and of *lex mitior* i.e. the most lenient law must be applied if the law between the commission of the offence and the trial is amended. The 1956 Penal Code did not contain any provisions on the above-mentioned crimes, which covered only domestic offences.
617. It is also far from clear whether the Cambodian Constitution would allow the direct application of offences recognised under the international customary criminal law outside the remit of the ECCC Agreement and ECCC Law because Article 31 of the 1993 Constitution only refers to *human rights* standards as possibly directly applicable. As the ICIJ explained in a different context, violations of human rights standards as such do not necessarily equate to criminal liability<sup>2369</sup>.
618. In conclusion, the effect of the ECCC Law on personal jurisdiction is in our view twofold: first, it restricts the ECCC's *own* personal jurisdiction to those most responsible, and second, it excludes any personal or subject-matter jurisdiction by the *ordinary* Cambodian courts over the events under the ECCC's temporal jurisdiction.
619. This doctrinal conclusion is also borne out by the empirical fact that there have been no investigations or prosecutions of such cases for lower-level perpetrators before any ordinary Cambodian court *after* the establishment of the ECCC, despite the fact that the DK period has caused a severe trauma in Cambodian society and there were numerous potential perpetrators who are still alive and who committed serious crimes, either directly or in their position as superiors.
620. There is thus a massive impunity gap for crimes committed during the DK era. However, this finding must have no policy impact on the NCIJ's exercise of discretion regarding personal jurisdiction for the further reasons which I will elaborate in the next section.

### **3. CRIMINAL LAW PRINCIPLES: THE EFFECTIVENESS OF *IN DUBIO PRO REO*, STRICT CONSTRUCTION, SELECTIVE JURISDICTION, AND SELECTIVE TRIAL**

621. For the exercise of discretion, there are a number of principles to be taken into consideration such as, among others, the principle of *in dubio pro reo and strict construction of criminal law*. In line with the interpretation of the principle of the SCC, we believe that *in dubio pro reo* has a residual role in the interpretation of legal provisions, and its application is limited to doubts that remain after the application of the standard rule of interpretation<sup>2370</sup>. In some jurisdictions, the same effect would be achieved by the application of the

principle of strict construction, for example, in Cambodian laws<sup>2371</sup> and also at the ICC<sup>2372</sup>.

622. The application of *in dubio pro reo* and strict construction is more crucial in systems where laws are often not fully settled, which is still the case in many areas of [internationalised] criminal law. Particularly, not only the position of the Defence Lawyers to defend the law against the allegations but also the substance of those allegations is sometimes varied: the instances of divergent interpretation of identical legal concepts in the ECCC and other courts, not least on the very issue of personal jurisdiction<sup>2373</sup> are clear evidence of this<sup>2374</sup>. The case of a special court with narrowly tailored personal, subject-matter and temporal jurisdictions, based on contentious negotiations between a national government and the international community in a post-conflict transitional scenario, which began operations nearly 30 years after the events in questions, is a prime example of the need for interpretational judicial restraint.
623. This is true, not least because of the pressure exerted by public expectations and media, on the grounds of concerns over the concept of impunity for mass atrocities, political agendas as well as previous historical research into the underlying events. In other words, in scenarios of this kind, the guilt of the suspects seems beyond debate *ab initio* and the judicial proceedings are frequently expected simply to attach the seal of official approval and confirmation to the pre-existing general view of history.
624. However, it is apposite to recall **Robert H. Jackson's** words spoken at the conference of the American Society of International Law on 13 April 1945 on the contentious judicial approach to punishing the Nazi war criminals before the start of the Nuremberg trials:
- “That is one of the risks that are taken whenever trials are commenced. The ultimate principle is that you must put no man on trial under the forms of judicial proceedings if you are not willing to see him freed if not proven guilty<sup>2375</sup>.”*
625. To disregard this banal, yet vital truth, would be tantamount to subscribing to the odious statement by Benedict Carpzov in 1662, that, “[i]t is well-known that, in the cases of the most serious offences, the boundaries of the law may be disregarded because of the enormity of the crime<sup>2376</sup>.”
626. Clearly, the ECCC is a court which exercises selective justice in the objective sense of the word, because only a certain small group of people will ever be prosecuted in the courts of Cambodia for the atrocities which were committed during the DK, namely those which fall under its own jurisdiction.
627. Signing the Agreement in the absence of a residual jurisdiction in the ordinary Cambodian courts was a conscious political choice during the negotiations, balancing the call for integration of the remaining Khmer Rouge into the society against the desire for some forms of judicial closure for the horrendous sufferings of the victims, whether dead or still alive, their families and society as a whole.

628. In this context, the OCP itself on 8 September 2009<sup>2377</sup> and again on 26 November 2014<sup>2378</sup> publicly indicated that there would be no new investigations initiated after Case 003 and 004. While no offender can, under law, claim that they are being treated unfairly because many others who may be as responsible as they are not being prosecuted, as long as they themselves receive a fair trial, selective prosecution in an already selective jurisdiction may present wider issues of moral fairness<sup>2379</sup>. This enhances the need for an acknowledgement of the fact that a rigorous and robust evaluation of the evidence against those few who are being investigated is required.
629. It is undoubtedly difficult from the point of view of general criminal policies for the public and the victims in the wider meaning of the term to accept, for example, that even the soldiers who routinely killed small children by bashing their heads against trees<sup>2380</sup> or who competed with one another to find out who could kill the greatest number of people<sup>2381</sup> should not be brought to trial. The same applies to those who directly committed many gruesome and cruel barbarities such as eviscerating victims before executing them, collecting their gallbladders or livers and in some instances even cooking and preparing them for consumption<sup>2382</sup>. In many domestic criminal justice systems such conduct would attract a whole life sentence without parole and in some countries possibly even the death penalty for each individual act of each individual offender.
630. This discrepancy, to iterate what was said above, was known during the negotiations by both the national and international sides. It is also a common feature of any international(ised) jurisdiction set up to bring judicial closure to post-conflict scenarios. The selective approach to jurisdiction with a de facto negotiation for virtually the entirety of the former Khmer Rouge will appear unpalatable and indeed unfair to many. On the one hand the informed political decision of the drafters must be respected by the judges of the ECCC and, on the other hand, this state of affairs must not and cannot equate to a presumption of guilt or, more to the point, to an automatic presumption of senior responsibility for those few who are brought before the court by allegations of the OCP.
631. If at all, any such presumption must operate the other way. The fact is that, after such a long time, some of the crucial evidence, through witnesses or otherwise, may have deteriorated to a point where reliable details, and indeed witnesses, may become difficult to come by. This case in point is not something which can ever be laid at the feet of the Defence or give rise to a lesser standard of proof for indictment or conviction. The Defence deserves the right to reasonable evaluation of the evidence and interpretation of the law at all levels of the ECCC's judicial hierarchy, starting from the OCIJ.

#### **4. NARROW PERSONAL JURISDICTION SHOWN DURING THE NEGOTIATION TO ESTABLISH THE ECCC**

632. In determining whether **YIM Tith** was a senior leader or the most responsible person, not only do we examine his participating activities in commission of

crimes but also it is important to examine the intention of the drafters of the ECCC Law and the Agreement Law. It is appropriate that the contents of the Law and Agreement fail to define the terms “senior leaders” or “those most responsible”.

633. Before creating the ECCC, the government established a national tribunal in 1979 to prosecute Khmer Rouge leaders POL Pot and IENG Sary for crimes of genocide in pursuit of justice and truth. Following the Paris Peace Agreement signed in France in 1991, Cambodia held the general election in 1993 in the hope that the DK leaders would participate and bring peace, putting an end to the protracted civil war for more than 10 (ten) years since 1979. But the group did not participate in the election and rejected its results and continued to attack the Cambodian people. For the sake of peace, Cambodia made a law to outlaw the DK group in 1994. The law gave low-ranking armed forces six months to defect if they did not wish to be brought to trial. The purpose of this law was to persuade Khmer Rouge soldiers to come and live in peace, but meanwhile, to try DK leaders in pursuit of justice for the victims of the crimes committed between 1975 and 1979. It is indicated in the new Article 40 of the [ECCC] Law which does not grant an amnesty for those leaders.
634. In 2003, Cambodian courts tried former low-ranking cadres CHHOUK Rin and NUON Paet for national crimes. This does not mean that Cambodia targeted low-ranking cadres who had committed international crimes. With an aim of ending the war and national reconciliation, the King of the Kingdom of Cambodia signed a pardon for DK leaders in 1996, and *Ta Mok*, a senior leader, and Duch, generally known as S-21 (Tuol Sleng Prison) Security Office Chief, were arrested.
635. In June 1997, the Royal Government of Cambodia wrote a letter to the United Nations seeking assistance in the creation of the ECCC. The Royal Government was aware of the amnesty, but it remained willing to continue to seek justice. This targeted only leaders Duch and *Ta Mok*, who were held in detention.
636. The establishment of the ECCC was not a coincidence, but it was the result of negotiations for more than 10 (ten) years from 1997 to 2007 between the Royal Government of Cambodia and the United Nations. The real purpose of the creation of the ECCC was to end the culture of impunity for international crimes. However, this process could not affect peace. Obviously, the negotiations on personal jurisdiction were extremely intense. The Government's intent was to focus on senior leaders. This reflects the word “**senior**” added to “**leaders**” on which the United Nations and the Royal Government of Cambodia agreed. This wording was clearly referring to *Ta Mok*, who was held in detention and other leaders. The phrase “**those most responsible**” was included later in the jurisdictional provisions after it was learnt that Duch was still alive. Cambodia agreed on the case against Duch because he had been arrested and detained. The prosecution documents on these two individuals and their detention would explain the intention to send them for trial after the ECCC was established<sup>2383</sup>.

637. During the negotiations, both sides disagreed on the number of judges in each chamber and a dispute resolution mechanism mainly proposed by the Cambodian side to guarantee sovereignty, and a compromise was finally reached. The Pre-Trial Chamber was created to resolve disagreement between Co-Investigating Judges, etc. Each chamber was composed with Cambodian judges in majority. For instance, the Pre-Trial Chamber consists of three Cambodian judges and two international judges. The structure of the special court and method of participation by national and international judges clearly reflects an undeniably narrow selective jurisdiction. Thus, although there are facts concerning the Charged Person, based on the interpretation of legal contents the Charged Person falls outside the ECCC's personal jurisdiction of "senior leaders or those most responsible". Finally, if Cambodia had no intention to bring to trial Khmer Rouge senior leaders, it was likely that Cambodia would not request any assistance in creating the ECCC because Cambodia was aware that IENG Sary had already been granted a pardon. The new Article 40 of the ECCC Law gives discretion to the Chambers to consider an amnesty. Eventually, during the discussion on the ECCC draft law, the Royal Government representative clearly stated in the Cambodian National Assembly session that [the number of] target persons to be prosecuted by the ECCC **had to be limited and restricted**<sup>2384</sup>.
638. In summary, the activities and intention of the Cambodian side before and during the negotiations to establish the ECCC illustrate narrow personal jurisdiction to find justice and maintain peace. Those target persons were senior leaders and Duch, the only most responsible person. In the Closing Order in case 004/01, the Co-Investigating Judges asserted that the judges of the ECCC must respect the political decision of the drafters<sup>2385</sup>.

##### **5. POLICIES AND DECISION-MAKING MECHANISMS OF THE DEMOCRATIC KAMPUCHEA REGIME AND ITS INFLUENCE OVER CADRES**

639. The Democratic Kampuchea regime ruled the country from 17 April 1975<sup>2386</sup> to 6 January 1979 with the aim of building the country following a real socialist path in the world<sup>2387</sup>. To achieve that aim, first of all the Khmer Rouge implemented the policy to evacuate the population from cities and towns to rural areas throughout the country<sup>2388</sup> so that they could join in mass agriculture which was the most important sector<sup>2389</sup> for developing the maximum economy under the leadership of the Democratic Kampuchea Government and the policy guidelines by the Communist Party of Kampuchea<sup>2390</sup> based on the firm stance of "**Independence, Mastery, Self-Reliance**"<sup>2391</sup>. In addition, this regime formulated a policy to promote people from low social classes, such as poor peasants and workers, who were regarded as the people from the poor class, to control the local bases, from the village level upwards<sup>2392</sup>.
640. Initially, the Democratic Kampuchea regime adopted a socialist model; however, later this regime adopted an absolute totalitarian communist model with the supreme power vested with the Party via the most influential institution known as "**The Central Committee of the CPK**". The Central Committee was

composed of approximately 30 members who made major decisions concerning the leadership inside and outside the country<sup>2393</sup>. Even though KHIEU Samphan, alias Hem, former Chairman of the State Presidium<sup>2394</sup>, said that in principle the most influential organ was the "Central Committee", the authority over **decision-making was in practice was vested with the Standing Committee**<sup>2395</sup>. The CPK Standing Committee had at that time seven members including POL Pot, NUON Chea, SAO Phim, *Ta Mok*, IENG Sary, VORN Vet, and SON Sen<sup>2396</sup>.

641. The Democratic Kampuchea structure from the upper level to the lower level and the base level was clearly defined based on work assignments and management in the form of "**collectives**"<sup>2397</sup>, on the grounds that the country could be built rapidly if it were done collectively<sup>2398</sup>. Furthermore, the policies of the government at that time were widely disseminated through meetings at zone, sector, district, commune, village and cooperative levels, etc<sup>2399</sup>.
642. The 20 May 1975 meeting was held at Olympic Stadium to abolish markets and national currency<sup>2400</sup>. One witness who was a former cadre attending the meeting on the Party's policies where POL Pot and NUON Chea gave opening remarks claimed that "*both of them talked about the policies to organise cooperatives, to ban a currency, and to close markets and pagodas, and stated that the ban would be lifted in the future*"<sup>2401</sup>. Shortly before the collapse of the regime, *Angkar* decided to introduce a currency and markets; however, it was not implemented due to the collapse of the regime<sup>2402</sup>.
643. The national economy went into a nosedive since the country was led by a government which completely abolished money circulation<sup>2403</sup> under the pretext that money circulation led to corruption, exploitation and oppression from the feudalist class etc. Furthermore, money circulation was the most critical issue that led this regime to instability in their leadership and control<sup>2404</sup>. Generally, economists consider money circulation as a fundamental basis for a country's economic functioning and the promotion of a country's economic growth.
644. In addition, later the Party set out a rice production target<sup>2405</sup>, with the Party, the upper echelons, forcing people to produce **three tons of rice per hectare**<sup>2406</sup> over the 1.5 million hectares of farmland. *Angkar* expected that the rice produced would be 4.5 million tons, which was one of the core tasks to be undertaken in 1976<sup>2407</sup>. A witness who was a typist claimed that, "*several documents mention producing three tons of rice per hectare*"<sup>2408</sup>. Most rice produced had to be given to the Party in full for overseas export<sup>2409</sup>. Because of the fact that cadres who could not achieve the plan could be considered as enemies, which led to death, some cooperative chairpersons at the bases inflated the figures of rice produced so that the Party, the upper echelons, viewed them as striving for and being loyal to the Party since they delivered a large quantity of rice produced to the upper echelons while in fact people at their bases did not have enough rice to eat<sup>2410</sup>.
645. Right after the liberation, in some areas, some villages were incorporated into "**cooperatives**"<sup>2411</sup>, with communal eating and living arrangements<sup>2412</sup> on the

pretext that a collective was a humanitarian concept that enabled everyone to have an equal amount of food for consumption<sup>2413</sup>. Cooperatives were considered by the Party as the backbones of the revolution throughout the country<sup>2414</sup>. Under the Party's leadership, people were provided two meals per day – one was gruel and the other was cooked rice<sup>2415</sup>.

646. The form of governance of the Democratic Kampuchea regime was distinct from that of other countries in the world<sup>2416</sup>. Even IENG Sary, the former Deputy Prime Minister in charge of foreign affairs, stated, “**The Khmer revolution does not follow any previous model. What we are achieving has never been done before in history**<sup>2417</sup>.” Democratic Kampuchea had an absolute stance<sup>2418</sup>, and people were forced to work at worksites in very difficult situations<sup>2419</sup> without adequate breaks. In addition, people had no freedom<sup>2420</sup>, no right to have access to information<sup>2421</sup>, nor freedom of movement<sup>2422</sup>; there were no markets<sup>2423</sup>, no private ownership<sup>2424</sup>, no hospitals, no healthcare centres, nor enough medicine for treatment<sup>2425</sup>, etc.
647. As regards religious beliefs, after taking control, the Democratic Kampuchea without mercy forced monks to disrobe<sup>2426</sup>, and killed any monk who refused to disrobe<sup>2427</sup>. Pagodas, which were used for education and religious dissemination, were forcibly destroyed<sup>2428</sup> throughout the country<sup>2429</sup>. In addition, POL Pot, who was the Prime Minister and CPK Secretary, implemented an absolute Marxist doctrine against all religions in Cambodia without exception<sup>2430</sup>. Many witnesses asserted that all religions were prohibited and pagodas were transformed into dining halls and used for raising animals<sup>2431</sup>. One witness said, “*at that time all religions were abolished and the CPK was the only one to be respected. The CPK hated monks.... the most*<sup>2432</sup>.”
648. In order to achieve the goals set, governing the country by following the socialist path, the regime pushed for country building by regarding human forces as the core to replace machinery, which would help Cambodia to be rapidly prosperous under the slogan “**the great leap forward**”<sup>2433</sup>; therefore, the DK strictly implemented and adhered to some major policies such as the evacuation of people, treatment of specific groups, forced labour worksites, forced marriage, and purges of internal and external enemies, etc. Many consequences resulted from the term, “**enemies**,” which referred to any one who was accused of breaking a plough<sup>2434</sup>, a hoe, a spoon, a plate or a cooking pot<sup>2435</sup>; who transplanted wrong rice seedlings<sup>2436</sup>; who stole sugar stumps<sup>2437</sup>; who stole corn, bananas and potatoes grown by himself/herself<sup>2438</sup>; who applied a car brake too abruptly but it didn't stop<sup>2439</sup>; who was late for work<sup>2440</sup>; who criticised *Angkar*<sup>2441</sup> or allegedly attempted to destroy *Angkar*<sup>2442</sup>.
649. Prior to 1975, the CPK evacuated people from the areas under their control<sup>2443</sup>. In February 1975, the CPK's Central Committee held a meeting and decided on a plan to evacuate people in anticipation of the victory over the Khmer Republic<sup>2444</sup>. At that time, senior leaders including POL Pot, NUON Chea, IENG Sary and KHIEU Samphan also attended the meeting<sup>2445</sup>, and decided to evacuate people in three phases<sup>2446</sup>. One witness testified, citing *Ta Mok*, a senior cadre, as saying, “*All people had to be evacuated to the countryside so*

*that they could build the economy there. ... The evacuation of people from cities had to be conducted nationwide and it had to be done within two days*<sup>2447</sup>.” Based on estimates, the number of the total population evacuated was 2,000,000<sup>2448</sup>. The evacuation of the population between 1975 and 1979 was carried out in three phases, (see Paragraphs 82 - 87 above).

650. The Democratic Kampuchea regime classified people, based on their biographies<sup>2449</sup>, into those living in the liberated zones and those who came after 1975. Right after 17 April 1975, *Angkar* divided people according to their living status: the rich, the poor or the educated. Former civil servants of the LON Nol regime or Sangkum Reastre Niyum regime and their relatives were considered to have bad tendencies<sup>2450</sup>. *Angkar* called those who were evacuated to new locations “new people<sup>2451</sup>” or “17 April” people<sup>2452</sup>. Those in countryside were were called “old people<sup>2453</sup>”, “18 April” people<sup>2454</sup>, or “base people<sup>2455</sup>”. “New people” were given the new status of “depositees” and they were not allowed to hold any position of any level<sup>2456</sup>. On the contrary, old people or base people enjoyed the status as full-rights people or candidate people if their relatives were not associated with enemies<sup>2457</sup>.
651. In general, people were forced to wear black clothes, and this policy was set by *Angkar*, and people were given a maximum of two sets of clothes per year. People had no freedom to choose their clothes; there was no hygiene, nor welfare<sup>2458</sup>. No family was allowed to have private property. This was based on the policy which had been implemented since before the liberation on 17 April 1975<sup>2459</sup>. The DK viewed private property<sup>2460</sup> as a concept that belonged to the capitalist regime, which led to corruption<sup>2461</sup> or exploitation of workers and farmers by the rich<sup>2462</sup>.
652. The DK regime imposed forced marriage. Although there are no documents proving this practice, consistent practice from one area to another, from one zone to another throughout the country, suggested that forced marriage was imposed in order to achieve population growth and to create younger generations to defend the socialist revolution through which *Angkar*, the upper echelons, were the custodians in lieu of parents<sup>2463</sup>. This was also beneficial to the management of individuals and economy, leaving parents working at cooperatives or worksites<sup>2464</sup>. Witnesses said in reference to the political message from cadres in the leadership, “*They planned to increase new forces or new people to 15 to 20 million in the next 15 to 20 years*<sup>2465</sup>.”
653. As for marriage, *Angkar* collected people of the same political status, encouraging soldiers<sup>2466</sup> [to get married], in line with the announcements made by POL Pot in conferences, official publications, and telegrams, coupled with intimidation of violence or death<sup>2467</sup>. Numerous witnesses testified that people who were forced to get married did not dare to protest<sup>2468</sup>.
654. Due to a lack of trust combined with suspicions against one another, prior to 1975 the Party formulated a policy to purge both inside and outside the Party's ranks, and they continued to implement this purge policy at a larger scale with the aim of completely destroying the structures of previous regimes, the

feudalists, the capitalists, religions, races, etc<sup>2469</sup>. The purge policy took shape following the decision of the Party's Central Committee in 1976 regarding the decision-making authority to destroy both inside and outside the Party's ranks, which clearly stated, ***"If cases occur at the base, decisions shall be taken by the Zone Standing Committee. If cases occur in the Offices surrounding the Centre Office, decisions shall be taken by the Central Office Committee. If cases occur in Autonomous Sectors, decisions shall be taken by the Standing Committee. If cases are related to the Military of the Centre, decisions shall be taken by the General Staff"***<sup>2470</sup>. Article 10 of the DK Constitution says, *"Dangerous activities and systematic destruction in opposition to the people's State must be condemned to the highest degree. Other cases are subjected to constructive re-education in the framework of the State's or people's organizations"*<sup>2471</sup>. This shows that all mechanisms were mobilised in order to increase the effectiveness of the purge policy set out by the Party, under constant and close monitoring by *Angkar*.

655. After 1975, situations became complicated at all levels, and the general policies to govern the country which were radically leftist, following the lines of independence, mastery and self-reliance, were too strictly implemented<sup>2472</sup>.
656. Under the DK leadership, under the direction the CPK, the regime established numerous security offices to detain, torture, and execute people, with a total of over 195 security offices throughout the country<sup>2473</sup>. Cadres at all levels had to follow the Party's lines by disseminating the policies set by the Party, and especially relevant cadres had to facilitate arrests if upper echelons decided to arrest anyone who was regarded as an enemy of *Angkar*<sup>2474</sup>. When there was an arrest order, there was no culture of intervention in the arrest decision because at that time there was a common saying: ***"Do not do anything to disrupt Angkar or the historical wheel"***<sup>2475</sup>.
657. Everyone knew that all orders came from ***"upper echelons"***<sup>2476</sup>, whilst lower-level cadres<sup>2477</sup> did not fully understand the plans or the policies set by *Angkar*. However, if those lower-level cadres did not implement the policies of the upper echelons even because they did not understand the policies, they were considered as enemies<sup>2478</sup> and taken away to be killed instantly<sup>2479</sup>. In the DK context, orders from upper echelons had to be absolutely respected, and if anyone dared to refuse, he/she was arrested and taken to be killed<sup>2480</sup>. The cadres who dared to criticise the orders were considered by *Angkar* to be ***"traitors"***<sup>2481</sup>.
658. In the regime, there were ***"self-criticism meetings"*** which required wrongdoers to speak about their mistakes so that meeting participants could provide feedback, and the same mistakes would not be repeated<sup>2482</sup>. The CPK designated regular Party livelihood meetings, arguing, *"If meetings are held regularly, there is always progress, no matter whether the progress is fast or slow"*<sup>2483</sup>. Following those meetings, *Angkar* spread propaganda, encouraging people to work hard and not to betray *Angkar*, or they would be ***"condemned by history"***<sup>2484</sup>. Those who could not be re-educated or re-fashioned by *Angkar* would be taken away to be killed as *Angkar* said, ***"No gain in keeping, no loss***

**in weeding out**<sup>2485</sup>.” This saying was tested on HOU Nim, who was taken to be killed in 1976 when he suggested [the possibility of] printing a currency and opening markets, which was contrary to the decision made earlier by POL Pot, NUON Chea and *Ta Mok*<sup>2486</sup>.

659. The implementation of the above CPK policies shows that people throughout the country faced countless difficulties. Besides being killed, people died from starvation, malnutrition and diseases such as diarrhoea, cholera, etc<sup>2487</sup>. When people were sick, they were not given medical treatment because there was no healthcare centre, no hospital, nor enough medicines for treatment. Sometimes patients fell severely ill and died<sup>2488</sup>. In addition to being killed, people died from the suppressive campaigns to ensure the implementation of the purge policy. Cadres and those who were considered enemies or failed to follow *Angkar's* orders were also killed<sup>2489</sup>. At that time, execution could not be replaced by less severe forms of punishment such as disciplinary measures at all. If cadres did not follow the policies of *Angkar*, those cadres, no matter which levels the cadres belonged to, became the targets of being purged. Such cadres included: HOU Yun<sup>2490</sup>, HOU Nim<sup>2491</sup>, VORN Vet<sup>2492</sup>, KOY Thuon<sup>2493</sup>, RUOS Nhim<sup>2494</sup>, and SAO Phim<sup>2495</sup>.
660. During the DK regime for the period of three years, eight months and 20 days, at least 60 senior DK cadres were arrested and killed at S-21 Security Office<sup>2496</sup>. More than 1,700,000<sup>2497</sup> people were killed and died from starvation<sup>2498</sup>, diseases<sup>2499</sup> and overwork<sup>2500</sup>.
661. The aforementioned policies set out by the CPK show that the monitoring systems of all forms and at all times were established nationwide. Therefore, there was a saying, “***Angkar has many eyes of the pineapple***” which was used in reference to all forms of restriction imposed on people and targeted cadres<sup>2501</sup>. In addition, if anyone failed to follow CPK policies, they would become enemies of *Angkar* or enemies of the revolution. What was strange was the elimination of private property. That policy was implemented beyond expectation. People could not even eat vegetables they grew around their houses because those vegetables were regarded as collective property or the property of cooperatives. Such restrictions led to the birth of the slogan “**Good things come in small packages.**” which *Angkar* repeatedly told people.
662. These facts are objective and publicly known throughout the country, i.e. those who are over 44 (forty-four) years of age (**by 2019**) and who lived through the regime heard and witnessed all these facts without the need to show evidence.
663. The context of the commission and administrative mode in the DK regime is distinct from what happened in Yugoslavia, Rwanda, and Sierra Leone, which has led to the establishment of the International Criminal Court like the ECCC. The DK regime had a tendency of state leadership reflected in the national persecution policy which was implemented, throughout the country, in the collective leadership structure that the cadres at all levels had to respect and follow the orders. The terms “enemies” or “revolutionary enemies” have a broad scope, covering even innocent people. This is distinct from the racial

conflicts between the Tutsi and the Hutu, which led to genocide in Rwanda<sup>2502</sup>. What happened during the DK regime was also different from the genocide of the Croats and the Bosnians<sup>2503</sup> committed by the Serbian nationalists led by Slobodan Milosevic.

664. Another common fact that needs to be borne in mind is that, despite regular meetings, the decision-making in the Khmer Rouge hierarchy was not a formal democratic process with the possibility for egalitarian input from functionaries at any level and an ensuing discussion of the way forward. Decisions were made at the top and then implemented by the lower levels regardless of personal consequences at any level; however, the consequences increased along the chain of command if the orders were not adhered to. This does not contradict the fact that the policies were often couched in rather general terms by top echelons, and lower cadres were given some leeway regarding the details of the implementation of those policies. The increasing difficulty of maintaining organisational structures towards the end of the DK mandate does not require a different point of view. Whether someone developed or had to develop their own initiative in these circumstances is not in and of itself a criterion that would elevate them to the category of those most responsible. The facts show that at all times the ultimate definition of policy contents and the means of their implementation rested with the top echelons who would interfere at will.
665. This was combined with the pervasive use of mostly vertical lines of communication in the chain of command and the accompanying intended secrecy which did generally not permit or at least not encourage or facilitate a free, egalitarian horizontal exchanges of tactical and operational information on the levels below the top leadership. Indeed, openly discussing instructions from *Angkar* between, for example, regiment or battalion commanders could easily have been considered by the superior levels as the first step to insubordination, and no one could be safe in the assumption that such conversations would not be reported in interested quarters with adverse effect upon themselves.

## **CHAPTER VII. FINDINGS AND CONCLUSION ON PERSONAL JURISDICTION OVER YIM TITH AND THE CONCLUSION OF CASE 004**

### **1. FINDINGS AND CONCLUSION ON PERSONAL JURISDICTION OVER YIM TITH**

666. In his Introductory Submission, the ICP alleged that **YIM Tith** was the secretary of Kiri Vong District, the secretary of Sector 13 of the Southwest Zone. Geographically, Kiri Vong District was in Sector 13. He was the Northwest Zone Sector 1 Secretary and was allegedly a Zone Committee member. The Southwest Zone was under the control of *Ta Mok*, and the Northwest Zone was under the control of Ros Nhim until mid-1978, when he was replaced by *Ta Mok*, from the Southwest Zone.
667. Both exculpatory and inculpatory evidence did not show the exact time when **YIM Tith** started holding these positions because the memory of the witnesses were limited due to the fact that the incident took place more than 30 years before the ECCC was established and the fact that the witnesses were in a

vulnerable position when they saw, knew or heard those incidents. The evidence collected shows that **YIM Tith** might have become the secretary of Kiri Vong District from June 1976 to 1977 (paragraph 187).

668. Three witnesses said that **YIM Tith** held the position of the secretary of Sector 13 for about eight months before 1979 (paragraph 179). This is not correct because many witnesses said that a group of Southwest Zone cadres, including **YIM Tith**, had already travelled to Northwest Zone in mid-1977. **YIM Tith** held the position of Sector 13 Secretary for one year before leaving for the Northwest Zone (paragraph 172). Therefore, he might have held this position from June 1976 to 1977, replacing *Ta* Ran (រ៉ាន់), who died of a traffic accident.
669. *Ta* Vanh was the Sector 1 Secretary. After his arrest in late 1976, he was replaced by *Ta* HENG Teav, alias *Ta* Pet, who was also later arrested at the same time when ROS Nhim, the Northwest Zone Secretary, was arrested in August 1978 (paragraph 147). **YIM Tith** replaced *Ta* Pet; therefore, he became Sector 1 Secretary in August 1978. **YIM Tith** may have become a Zone Committee member, replacing *Ta* Pet after *Ta* Pet was arrested (paragraph 147). Witnesses said that **YIM Tith** was the Northwest Zone Secretary, whilst it was actually *Ta* Mok who replaced ROS Nhim as the new Northwest Zone Secretary in addition to his existing position as the secretary of three other different zones including the Southwest Zone. It is important to note that there were no official documents confirming these positions nor officially swearing in ceremonies. These positions were told of by the witnesses.
670. The investigation carried out by NCIJ did not show that **YIM Tith** was a Central Committee member or a People's Representative Assembly member. He held no position in the army. NCIJ examined major remaining original DK documents such as meeting minutes of the Standing Committee of the Party's Central Committee, and corresponding telegrams between cadres at sector or zone levels and the Standing Committee. None of the documents mentioned **YIM Tith** or his positions.
671. **YIM Tith** was ranked level 4 down from the Standing Committee of the Party's Central Committee to sector levels. He was one among the 100 people at a minimum at the zone and sector levels. He did not hold any important position in the Party and he was not among the over 13 individuals, including zone secretaries such as *Ta* Mok, who had power to destroy enemies based on the decision dated 30 March 1976<sup>2504</sup>. Both in the Southwest Zone and the Northwest Zone, **YIM Tith** was under supervision of powerful zone secretaries such as *Ta* Mok and ROS Nhim, and ROS Nhim was arrested in late 1978, six months before the fall of the DK regime.
672. Many witnesses, including important witnesses (victims of the crimes, security office guards), said that they did not know *Ta* Tith (**YIM Tith**) when asked whether they knew him. Two witnesses said that they had heard the name **Tith**, but knew that **Tith** was not **YIM Tith** because other cadres named **Tith** also worked in the Southwest Zone and the Northwest Zone<sup>2505</sup>. About 24 witnesses

affirmed that they knew **Ta Tith**. One witness said that **Ta Tith** ordered killings; however, that witness only heard this from others.

673. There were 50 crime sites, 10 of which were forced labour sites, 19 of which were security offices or prisons, 18 of which were execution sites, and three of which were forced marriage or sexual violence sites. Most of those crime sites were created in 1975 or 1976 and were operational until 1978 before the Southwest cadres moved to the Northwest Zone. Very few crime sites (i.e. Trayoung Security Office) were in operation after the arrival of the Southwest cadres in the Northwest Zone. Among those 50 crime sites, one crime site (i.e. Wat Kandal Pagoda Security Office) was under the control of the Central Committee. Some crime sites were created before **YIM Tith** became the Kiri Vong District Secretary. Some crime sites in Sector 1 ceased operation in mid-1978, when **YIM Tith** was appointed the secretary of Sector 1, replacing *Ta Heng Teav*, alias *Ta Pet*.
674. Among the 24 crime sites which were placed under judicial investigations, four crime sites were in Kiri Vong District and seven crime sites were in Sector 1. 26 crime sites were reduced from investigation because they were not much related to **YIM Tith** (two were under Kiri Vong District and six were under Sector 1.)
675. Of the 24 crime sites, 11 crime sites that were placed under judicial investigation were in Kiri Vong District, Sector 13, and Sector 1 (Northwest Zone). Therefore, 39 crime sites (which were under judicial investigation) were indirectly under **YIM Tith**'s control but were otherwise raised because of the fact that **YIM Tith** was Sector 13 Secretary or a Northwest Zone Committee member. Only a few facts show **YIM Tith**'s involvement with crime sites such as Wat Pratheat Security Office, Kang Hort Dam Worksite, Kampong Kol Sugar Factory Worksite, and forced marriage in Samlout District.
676. Wat Pratheat Security Office was operational in late 1975 under the tenure of the Northwest Zone cadres. Witnesses said that **YIM Tith** visited Wat Pratheat Security Office and ordered the release of prisoners, and that **YIM Tith** had knowledge of the arrests and executions of cadres. However, a similar number of witnesses said that they did not know about these incidents (paragraphs 200-201).
677. Kang Hort Dam Worksite was in operation from 1976 under the tenure of the Northwest Zone cadres, and the Southwest Zone cadres continued operating the site. Some witnesses spoke about the visit to this crime site made by **YIM Tith** and *Ta Mok* in late 1978. Nonetheless, many witnesses said that they did not see **YIM Tith** visiting the worksite, nor did they know **YIM Tith** (paragraphs 291-292).
678. Last, it was said that *Ta Mok* visited Kampong Kol Sugar Factory Worksite, and **YIM Tith** led a meeting in Battambang (paragraph 324). However, it was not clear whether the meeting took place in the factory or in other places in Battambang town.

679. Witnessed claimed that **YIM Tith**, together with *Ta Mok*, participated in marriage ceremonies in Samlout District in August 1978 (paragraph 338). This information is accurate and is corroborated by other witnesses who said that **YIM Tith** became a member of the Northwest Zone Committee in mid-1978.
680. Paragraphs 589 to 590 show that there were 50,000 victims in the alleged crime sites located in those two zones. The victims were killed or died from starvation and diseases as a result of the implementation of national suppressive policies in the Southwest Zone and Northwest Zone before the arrival of the Southwest Zone cadres or before **YIM Tith** became the Kiri Vong District Secretary and Sector 13 Secretary between 1976 and mid-1977, and before he became the Sector 1 Secretary and served on the Northwest Zone Committee in mid-1978. The number of these victims did not result from **YIM Tith's** direct crimes. It was the result of the implementation of the suppressive policies which **YIM Tith** had no power to formulate, but had to implement following the Party's line. In addition, whilst **YIM Tith** became Sector 1 Secretary and served on the Northwest Zone Committee in mid-1978, KHIEU Samphan, Chairman of the State Presidium, announced the cancellation of killings, which resulted in the decrease in purging<sup>2506</sup>.
681. Compared to other charged persons such as **AO An** (Central Zone Sector 1 Secretary) and **MEAS Muth** (Central Division 164 Commander-in-Chief), against whom charges were dismissed, evidence comprised of telegrams and meeting records highlighted the names of **AO An** (in KE Pork's telegrams to the Central Committee of CPK or Office 870)<sup>2507</sup> and **MEAS Muth**<sup>2508</sup>. But I did not see the name of **YIM Tith**.
682. **YIM Tith** may have held similar positions to those of **AO An** and **MEAS Muth** and positions senior to **Duch's** positions, but some cadres who held high-ranking positions did not have much power. **YIM Tith** had roles in the Northwest Zone, but did not have specific subordinates, which was different from **Duch**, who was managing the Central Security Office (S-21), having a clear leadership structure under his supervision which enabled him to participate actively in criminal acts causing over 12,000 deaths as a result of his direct or indirect acts through his effective leadership, organisation and management of the security office almost throughout the DK period<sup>2509</sup>.
683. In conclusion, his participation in the above-mentioned crime sites was only his knowledge of those sites; it was not active participation; he made no initiative, and the level of his participation was the same as that of other sector or zone cadres. Participation in the implementation of the Party's policies had to be respected and followed. **YIM Tith** did not have specific subordinates who participated in the implementation effectively and broadly. In particular, he held a position in the Northwest Zone for only a short period of time. Such participation does not fall within the criterion for "most responsible person", which mainly focuses on actual and direct participation regardless of positions.

684. I have found that no evidence showing that **YIM Tith** was a senior leader or one of the most responsible persons in the DK period. Therefore, the ECCC does not have personal jurisdiction over him.

## **2. THE CONCLUSION OF CASE 004**

685. NCIJ investigated all facts alleged in the Introductory Submission and Supplementary Submission. Based on Paragraph 55 above, the NICJ considers all facts against all remaining suspects in Case 004, who are charged by the ICP in order to close the case.

**For the foregoing reasons, I hereby decide<sup>2510</sup>:**

686. The ECCC has no personal jurisdiction over **YIM Tith**.

687. **The charges against YIM Tith are dismissed.**

688. The remaining investigation in Case 004 is decided in the orders issued today.

Friday, 11th Day of the Waning Moon, 7th Lunar Month,  
Year of the Pig 1st Year, 2563 B.E.  
Phnom Penh, 28 June 2019

**សហចៅក្រមស៊ើបអង្កេតជាតិ**  
**National Co-Investigating Judge**  
**Co-Juge d'Instruction National**

**Judge YOU Bunleng**

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<sup>1</sup> **Case File No. 004-D1**, Co-Prosecutor's Third Introductory Submission, 20 November 2008, Case File No. 004/20-11-2008/ECCC/OCIJ, submitted by Office of the Co-Prosecutors.

<sup>2</sup> **Case File No. 004-D1**, Co-Prosecutor's Third Introductory Submission, 20 November 2008, Case File No. 004/20-11-2008/ECCC/OCIJ, submitted by the Office of the Co-Prosecutors, para. 118, pp. 42.

<sup>3</sup> **Case File No. 004-D1/1.3**, Annex I: Public redacted version of Pre-Trial Chamber's Considerations regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 76, 18 August 2009. **Case File No. 004-D1/1.1**, Annex II: Excerpt of the Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71, 18 August 2009.

<sup>4</sup> **Case File No. 004-D1/1**, Acting International Co-Prosecutor's Notice of Filing of the Third Introductory Submission, Case File 004/20-11-2008-ECCC/OCIJ, submitted by Acting International Co-Prosecutors, 07 September 2009.

<sup>5</sup> **Case File No. 004-D65**, Co-Prosecutor's Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 July 2011.

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- <sup>6</sup> **Case File No. 004-D191**, Co-Prosecutor's Supplementary Submission regarding Forced Marriage and Sexual or Gender Based Violence, 24 April 2014.
- <sup>7</sup> **Case File No. 004-D254/1**, Response to Forwarding Order and Supplementary Submission regarding Wat Ta Meak, 4 August 2015.
- <sup>8</sup> Case File No. 004-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>9</sup> Case File No. 004-D358, Notice of Conclusion of Judicial Investigation against **YIM Tith**, 13 June 2017.
- <sup>10</sup> Case File No. 004-D361/4, Decision on **YIM Tith's** Request for Adequate Preparation Time, 05 July 2017. Case File No. 004-D361, **YIM Tith's** Request for Adequate Preparation Time, 16 June 2017. Case File No. 004-D361/2, International Co-Prosecutor's Response to **YIM Tith's** Request for Adequate Preparation Time, 23 June 2017.
- <sup>11</sup> Case File No. 004-D351/1/4, Decision on YIM Tith's Application to Annul the Investigative Material produced by PAOLO STOCCHI, 25 August 2017.
- <sup>12</sup> Case File No. 004-D368, Second Notice of Conclusion of Judicial Investigation against **YIM Tith**, 5 September 2017.
- <sup>13</sup> Case File No. 004-D378, Forwarding Order pursuant to Internal Rule 66(4), 1 March 2018.
- <sup>14</sup> Case File No. 004-D378/1, National Co-Prosecutor's Final Submission concerning **YIM Tith** pursuant to Internal Rule 66, 31 May 2018.
- <sup>15</sup> Case File No. 004-D378/2, International Co-Prosecutor's Rule 66 Final Submission against **YIM Tith**, 04 June 2018.
- <sup>16</sup> Case File No. 004-D378/3, YIM Tith's Estimate regarding Time Required to Respond to the International Co-Prosecutor's Final Submission, 12 June 2018.
- <sup>17</sup> Case File No. 004-D378/4, Decision on Time Granted to the Defence to Respond to the Final Submissions by the Co-Prosecutors, 20 June 2018.
- <sup>18</sup> Case File No. 004-D378/5, **YIM Tith's** Combined Response to the National and International Co-Prosecutors' Final Submissions, 26 November 2018.
- <sup>19</sup> **A/51/930-S/1997/488**, Letter from the Secretary General of the United Nations addressed to the President of the United Nations Security Council and the First and Second Prime Ministers of Cambodia, 24 June 1997. **A/RES/52/135**, Resolution in the United Nations General Assembly on Situation of Human Rights in Cambodia, 27 February 1998, para. 16. See ECCC Website: <https://www.eccc.gov.kh/12278>
- <sup>20</sup> Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea, signed on 06 June 2003, entered into force on 29 April 2005. **A/RES/57/228B** (dated 13 May 2003) Resolution adopted by the General Assembly concerning the Establishment of the ECCC. **A/60/565** dated 13 May 2003, para. 4.
- <sup>21</sup> The Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the Period of Democratic Kampuchea, with inclusion of amendments as promulgated on 27 October 2004 by the Royal Decree No. NS/RKM/1004/006 ("ECCC Law").
- <sup>22</sup> Case File No. 004-D358, Notice of Conclusion of Judicial Investigation against YIM Tith, 13 June 2017.
- <sup>23</sup> Case File No. 004-D361/4, Decision on **YIM Tith's** Request for Adequate Preparation Time, 05 July 2017. Case File No. 004-D361, **YIM Tith's** Request for Adequate Preparation Time, 16 June 2017. Case File No. 004-D361/2, International Co-Prosecutor's Response to **YIM Tith's** Request for Additional Time, 23 June 2017.
- <sup>24</sup> Case File No. 004-D368, Second Notice of Conclusion of Judicial Investigation against **YIM Tith**, 5 September 2017.
- <sup>25</sup> Case File No. 004-D378, Forwarding Order pursuant to Internal Rule 66(4), 1 March 2018.
- <sup>26</sup> Case File No. 004-D378/1, National Co-Prosecutor's Final Submission concerning **YIM Tith** pursuant to Internal Rule 66, 31 May 2018. Case File No. 004-D378/2, International Co-Prosecutor's Rule 66 Final Submission against **YIM Tith**, 04 June 2018.

- <sup>27</sup> Case File No. 004-D378/5, **YIM Tith's** Combined Response to the National and International Co-Prosecutors' Final Submissions, 26 November 2018.
- <sup>28</sup> Case File No. 002-E350/8, Case File No. 002/19-09-2007/ECCC/TC, Trial Chamber's Decision on Evidence Obtained through Torture (Classification Status: Public), 05 February 2016.
- <sup>29</sup> Case File No. 002, **F26/12, Supreme Court Chamber's Decision on Objections to Document Lists - Full Reasons, 31 December 2015 (Classification Status: Public).**
- <sup>30</sup> Case File No. 004-D351/1/4, Decision on YIM Tith's Application to Annul the Investigative Material produced by **PAOLO STOCCHI**, 25 August 2017.
- <sup>31</sup> Case File No. 004-D1, **Co-Prosecutor's Third Introductory Submission**, 20 November 2008.
- <sup>32</sup> Case File No. 004-D1/1.3 Annex I: Public redacted version of Pre-Trial Chamber's Considerations regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71, 18 August 2009.
- <sup>33</sup> Case File No. 004-D1/1, Acting International Co-Prosecutor's Notice of the Filing of the Third Introductory Submission, Case File 004/20-11-2008-ECCC/OCIJ, 07 September 2009.
- <sup>34</sup> Document of the Office of Co-Investigating Judges concerning the Public Statement by the Co-Investigating Judges, 09 June 2010.
- <sup>35</sup> Case File No. 004-Document **D3**, Rogatory Letter of the Co-Investigating Judge **Marcel LEMONDE**, 09 June 2010.
- <sup>36</sup> Extraordinary Chambers in the Courts of Cambodia (ECCC) issued a press release on the appointment of Dr. **Siegfried BLUNK** as new international Co-Investigating Judge, reinstating that Judge **Siegfried BLUNK** would assume his office on 01 December 2010.
- <sup>37</sup> Statement by the Office of the Co-Investigating Judges, 02 February 2011.
- <sup>38</sup> Case File No. 004-D65, Co-Prosecutor's Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 July 2011. Case File No. 004-D191, Co-Prosecutor's Supplementary Submission regarding Forced Marriage and Sexual or Gender Based Violence, 24 April 2014. Case File No. 004-D254/1, Response to Forwarding Order and Supplementary Submission regarding Wat Ta Meak, 4 August 2015. Case File No. 004-D272/1, Response to Forwarding Order dated 05 November 2015 and Supplementary Submission regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4, 20 November 2015.
- <sup>39</sup> Case File No. 004-D281, Written Record of Initial Appearance of **YIM Tith**, 09 December 2015.
- <sup>40</sup> Case File No. 004-D350, Order Amending the Charges against **YIM Tith**, 29 March 2017. Case File No. 004-D350.1, Annex: Notification of Amended Charges against **YIM Tith**, 29 March 2017.
- <sup>41</sup> Case File No. 004-D359, Decision to Reduce the Scope of Judicial Investigation pursuant to Internal Rule 66 *bis*, 13 June 2017.
- <sup>42</sup> Case File No. 004-D358, Notice of Conclusion of Judicial Investigation against **YIM Tith**, 13 June 2017.
- <sup>43</sup> Case File No. 004-D361, **YIM Tith's** Request for Adequate Preparation Time, 16 June 2017.
- <sup>44</sup> Case File No. 004-D338/2, International Co-Prosecutor's Request for Clarification of Decision on Investigative Action, 23 June 2017.
- <sup>45</sup> Case File No. 004-D361/4, Decision on **YIM Tith's** Request for Adequate Preparation Time, 05 July 2017. Case File No. 004-D361, **YIM Tith's** Request for Adequate Preparation Time, 16 June 2017. Case File No. 004-D361/2, International Co-Prosecutor's Response to **YIM Tith's** Request for Adequate Preparation Time, 23 June 2017.
- <sup>46</sup> Case File No. 004-D363, International Co-Prosecutor's Request to Place Annexes to Kraing Ta Chan Site Identification Report on Case File 004, 19 July 2017. Case File No. 004-D364, International Co-Prosecutor's Request to Place onto the Case File the full Case 002 Hearings of those Witnesses and Civil Parties whose partial testimonies were already on the case file, 24 July 2017.
- <sup>47</sup> Case File No. 004-D363, International Co-Prosecutor's Request to Place Annexes to Kraing Ta Chan Site Identification Report on Case File 004, 25 July 2017. Case File No. 004-D364/2, Decision on International Co-Prosecutor's Request to Place Full Transcripts onto the Case File, 15 August 2017.
- <sup>48</sup> Case File No. 004-D361/4/1/5, **YIM Tith's** Appeal Against the Decision on YIM Tith's Request for Adequate Preparation Time, 26 July 2017.
- <sup>49</sup> Case File No. 004-D365, International Co-Prosecutor's Request for Investigative Actions regarding Prison No. 8 in Kandieng District, and Sexual Violence in Bakan District, Pursat Province, 28 July 2017.

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- <sup>50</sup> Case File No. 004-D366, International Co-Prosecutor's Request for Investigative Actions in Case 004 with Annex A, 28 July 2017.
- <sup>51</sup> Case File No. 004-D367, **YIM Tith's** Request for Investigative Action regarding the Use of Torture-tainted Organizational Chart, 28 July 2017.
- <sup>52</sup> Case File No. 004-D366/1, First Decision in relation to the International Co-Prosecutor's Request for Investigative Action (D366), 03 August 2017.
- <sup>53</sup> Case File No. 004-D338/3, Decision on International Co-Prosecutor's Request for Clarification of Decision on Investigative Action, 10 August 2017.
- <sup>54</sup> Case File No. 004-D365/3, Decision on the International Co-Prosecutor's Request for Investigative Action regarding Prison No. 8 and Sexual Violence in Bakan District, 04 September 2017. Case File No. 004-D366/4, Decision on International Co-Prosecutor's Request for Investigative Action in Case File 004, 04 September 2017.
- <sup>55</sup> Case File No. 004-D367/1, Decision on **YIM Tith's** Request for Investigative Action regarding the Use of Torture-tainted Organizational Charts, 05 September 2017.
- <sup>56</sup> Case File No. 004-D368, Second Notice of Conclusion of Judicial Investigation against YIM Tith, 05 September 2017.
- <sup>57</sup> Case File No. 004-D370, **YIM Tith's** Application to seize the Pre-Trial Chamber with a view to Annulment of the Requests for and Use of Civil Parties Supplementary Information from Civil Parties and Associated Investigative Products in Case File 004, 12 September 2017.
- <sup>58</sup> Case File No. 004-D370/1, Decision on **YIM Tith's** Application to seize the Pre-Trial Chambers with a view to Annulment of Certain Documents relating to Civil Parties, 25 September 2017.
- <sup>59</sup> Case File No. 004-D365/3/1/1, International Co-Prosecutor's Appeal of Decision on Request for Investigative Action, 25 October 2017.
- <sup>60</sup> Case File No. 004-D372, **YIM Tith's** Application to Seize the Pre-Trial Chamber with a view to Annulling Evidence obtained under Torture, 08 November 2017.
- <sup>61</sup> Case File No. 004-D361/4/1/10, PTC's Decision on **YIM Tith's** Appeal Against the Decision on **YIM Tith's** Request for Adequate Preparation Time, 13 November 2017.
- <sup>62</sup> Case File No. 004-D372/1, Decision on **YIM Tith's** Application to Seize the Pre-Trial Chamber with a view to Annulling Evidence obtained under Torture, 08 January 2018.
- <sup>63</sup> Case File No. 004-D377, **YIM Tith's** Request for Correction of Translation Errors in Written Records of Interview, 09 February 2018.
- <sup>64</sup> Case File No. 004-D365/3/1/5, Decision on the International Co-Prosecutor's Appeal of Decision on Request For Investigative Action Regarding Sexual Violence at Prison No. 8 and in Bakan District, 13 February 2018.
- <sup>65</sup> Case File No. 004-D377/1, Decision on **YIM Tith's** Request for Correction of Translation Errors in Written Records of Interview, 28 February 2018.
- <sup>66</sup> Case File No. 004-D378, Forwarding Order pursuant to Internal Rule 66 (4), 01 March 2017.
- <sup>67</sup> Case File No. 004-D378/1, National Co-Prosecutor's Final Submission concerning **YIM Tith** pursuant to Internal Rule 66, 31 May 2018.
- <sup>68</sup> Case File No. 004-D378/2, International Co-Prosecutor's Rule 66 Final Submission against **YIM Tith**, 04 June 2018.
- <sup>69</sup> Case File No. 004-D378/3, YIM Tith's Estimate regarding Time Required to Response to the International Co-Prosecutor's Final Submission, 12 June 2018.
- <sup>70</sup> Case File No. 004-D378/4, Decision on Time Granted to the Defence to Respond to the Final Submissions by the Co-Prosecutors, 20 June 2018.
- <sup>71</sup> Case File No. 004-D378/5, **YIM Tith's** Combined Response to the National and International Co-Prosecutors' Final Submissions, 26 November 2018, para. 1746.
- <sup>72</sup> Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev. 9), 16 January 2015, Rule 72(1) stated, "In the event of disagreement between the Co-Investigating Judges, either or both of them may record the exact nature of their disagreement in a signed, dated document which shall be placed in a register of disagreements kept by the Greffier of the Co-Investigating Judges." p. 55.
- <sup>73</sup> Internal Rule 7.4 of the Extraordinary Chambers in the Courts of Cambodia. Articles 26 and 27 of ECCC Law. Article 5 (6) of the Agreement between the United Nations and the Royal Government of

Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea.

<sup>74</sup> Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev. 9), 16 January 2015, p. 44.

<sup>75</sup> Case 002- **D427**, Closing Order in Case File No. 002/19-09-2007/ECCC-OCIJ, 15 September 2010, para. 1323, p. 330 (Classification Status: Public).

<sup>76</sup> Criminal Procedure, A Worldwide Study, Ceaig M. Bradley, 2<sup>nd</sup> ed., 2007, para. 289. **Article 80-1, Paragraph 1 of the French Code of Criminal Procedure**, *see* [https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=L\\_EGIARTI000006575198](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=L_EGIARTI000006575198).

<sup>77</sup> Judgement of the Supreme Court of France, Criminal Chambers, 27 November 1963, Number 63-91. 516, published in Official Newsletter of the French Republic, Number 338.

<sup>78</sup> Article 14 of the Covenant of Civil and Political Rights, 1966.

<sup>79</sup> Article 14, Right to a Fair Trial, Covenant of Civil and Political Rights, 1966.

<sup>80</sup> Case File No. 004-**D6.1.975**, Geography text book of DK's Ministry of Education entitled "Political Geography of Democratic Kampuchea", 1st ed., 1977, p. 07.

<sup>81</sup> Case File No. 004-**D117/36.1.21**, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973 to 20 May 1976, pp. 21-22. Case File No. 004-**D6.1.815**, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "Public Meeting on 27 September 1977, Speech by POL Pot at the Anniversary of the Communist Party of Kampuchea", 29 September 1977, p. 46. Case File No. 004-**D6.1.836**, BEN Kiernan's Handwritten English Translation of the Interview of Mr. UK Bunchhoeun, 30 September 1980, p. 05.

<sup>82</sup> Case File No. 004-**D322/8.1.6**, "Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea", p. 03. Case File No. 004-**D6.1.815**, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "Public Meeting on 27 September 1977, Speech by POL Pot at the Anniversary of the Communist Party of Kampuchea", 29 September 1977, p. 46. Case File No. 004-**D6.1.702**, Written Record of Interview of Witness **MÂN Heang**, 10 December 2009, p. 03.

<sup>83</sup> Case File No. 004-**D322/8.1.6**, "Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea", p. 02. Case File No. 004-**D6.1.196**, Francois Ponchaud, "Liberated Cambodia" Echange France-Asie, Special Report No. 13, January 1976, p. 05. Case File No. 004-**D6.1.768**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 10-11, October-November, pp. 04-05, 16. Case File No. 004-**D6.1.1132**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Special Issue, September 1975, pp. 05, 11, 21. Case File No. 004-**D1.3.22.1**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 10, October 1975, p. 7. Case File No. 004-**D322/8.1.4**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Special Issue, August-September 1974, p. 19. Case File No. 004-**D322/8.1.35**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 11, November 1978, p. 04. Case File No. 004-**D322/8.1.24**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 4, April 1977, pp. 03, 05. Case File No. 004-**D322/8.1.22**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 3, March 1977, p. 04.

<sup>84</sup> Case File No. 004-**D6.1.746**, The Revolutionary Youth, Special Issue, October-November 1975, pp. 9. Case File No. 004-**D1.3.27.5**, Interviews with Cambodian Refugees at Thai-Cambodian Border prepared for **Ishiyama Committee**, Annual Report 1980, February-March 1980, p. 23. Case File No. 004-**D6.1.717**, Written Record of Interview of Witness **IN Sopheap** alias Mei, 28 September 2009, p. 05. Case File No. 004-**D6.1.1059**, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 01 April 2009, p. 02.

<sup>85</sup> Case File No. 004-**D117/36.1.21**, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973 to 20 May 1976, pp. 01, 7-8. Case File No. 004-**D6.1.772**, Phnom Penh Domestic Service

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<sup>132</sup> Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 08.

<sup>133</sup> Case File No. 004-D6.1.1132, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Special Issue, September 1975, p. 12.

<sup>134</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03.

<sup>135</sup> Case File No. 004-D219/550, Written Record of Interview of Witness **PEK Em**, 09 October 2015, p. 04.

<sup>136</sup> Case File No. 004-D6.1.141, Written Record of Interview of Witness **SAO Sarun**, 17 December 2008, p. 03. Case File No. 004-D6.1.458, DC-Cam document: “Interview with **MATH Ly**”, by Mr. SIM Sorya and Mr. YSA Osman, 27 March 2000, ERN EN 00441577. Case File No. 004-D322/8.1.6, “Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea”, pp. 8. Case File No. 004-D6.1.475, Written Record of Interview of Civil Party **AFFONCO Denise**, 03 June 2009, p. 04. Case File No. 004-D6.1.53, BEN Kiernan, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, p. 45. Case File No. 004-D6.1.1260, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 04. Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 10.

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<sup>140</sup> Case File No. 004-D6.1.99, Written Record of Interview of Witness **CHHOUK Rin** alias *Sokh*, 29 July 2008, p. 06. Case File No. 004-D6.1.1260, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 08. Case File No. 004-D322/8.1.25, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 05, May 1977, p. 08.

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<sup>142</sup> Case File No. 004-D6.1.448, Written Record of Interview of Witness **TĀN Hoch**, 29 January 2009, p. 05. Case File No. 004-D6.1.451, Written Record of Interview of Witness **SAING Nhâm**, 29 January 2009, p. 03. Case File No. 004-D6.1.390, Written Record of Interview of Witness **PRUM Proeung** alias *Ni*, 24 July 2009, p. 04. Case File No. 004-D6.1.407, Written Record of Interview of Witness **AO Hau**, 18 November 2008, p. 07. Case File No. 004-D6.1.1073, Answers of **KAING Guek Eav** alias **Duch**, former Chairman of S-21 Security Centre, to the written questions of the Co-Investing Judges, 21 October 2008, ERN EN 00251373. Case File No. 004-D6.1.730, Written Record of Interview of Witness **PRĀK Yut** alias *Yeay Yut*, 21 July 2009, p. 07. Case File No. 004-D6.1.53, **BEN Kiernan**, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 45. Case File No. 004-D6.1.410, Written Record of Interview of Witness **MEAS Laihuo**, 20 November 2008, p. 05. Case File No. 004-D6.1.412, Written Record of Interview of Witness **CHOEU Saing**, 21 November 2008, p. 05. Case File No. 004-D6.1.408, Written Record of Interview of Witness **VĀN Sorn**, 19 November 2008, p. 05. Case File No. 004-D6.1.638, Written Record of Interview of Witness **LIM Nhon**, 07 May 2009, p. 02. Case File No. 004-D219/370.1.4, Airgram entitled "Life inside Cambodia" from US Embassy in Bangkok, 31 March 1976, p. 09.

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<sup>149</sup> Case File No. 004-D6.1.1260, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, pp. 06-07.

<sup>150</sup> Case File No. 004-D118/147.1.4, Victim Information Form of **TUM Nga**, 08 January 2008, p. 04. Case File No. 004-D219/236, Written Record of Interview of Witness **LEKH Phiv**, 20 March 2015, p. 04. Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 01.

<sup>151</sup> Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 11.

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<sup>157</sup> Case File No. 004-**D6.1.426**, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 02. Case File No. 004-**D6.1.701**, Written Record of Interview of Witness **YIM Kimsan** alias Kimsau, 10 December 2009, p. 03. Case File No. 004-**D6.1.702**, Written Record of Interview of Witness **MÁN Heang**, 10 December 2009, p. 03. Case File No. 004-**D6.1.1231**, United Nations Economic and Social Council, E/CN.4/1335, 30 January 1979, UN Commission on Human Rights, Report on Thirty-Fifth Session, Point Five of the Provisional Agenda entitled “Question of the violation of human rights and fundamental freedom in any part of the world, with particular reference to colonial and other dependent countries and territories”, p. 23. Case File No. 004-**D117/37**, Written Record of Interview of Civil Party Applicant **LĒNG Ra**, 23 April 2014, p. 03. Case File No. 004-**D6.1.768**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 10-11 October-November 1977, p. 16. Case File No. 004-**D6.1.765**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 1-2, January-February 1977, p. 07. Case File No. 004-**D6.1.1132**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Special Issue, September 1975, pp. 12, 20. Case File No. 004-**D1.3.22.1**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 10, October 1975, p. 7. Case File No. 004-**D322/8.1.4**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Special Issue, August-September 1974, p. 14. Case File No. 004-**D322/8.1.24**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 4, April 1977, p. 04. Case File No. 004-**D322/8.1.16**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 6, June 1976, p. 09.

<sup>158</sup> Case File No. 004-**D322/8.1.6**, “Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea”, p.9.

<sup>159</sup> Case File No. 004-**D322/8.1.6**, “Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea”, p. 9-. Case File No. 004-**D6.1.579**, Telegram No. 202, report from Angk Ta Saom to beloved and respected comrade police officers of Tram Kak District, 01 March 1978, p. 01. Case File No. 004-**D219/370.1.4**, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 03.

<sup>160</sup> Case File No. 004-**D6.1.811**, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report, 23 May 1977, p. 23. Case File No. 004-**D6.1.1**, Minutes of permanent committee meeting, 02 November 1975, p. 06. Case File No. 004-**D6.1.1231**, United Nations Economic and Social Council, E/CN.4/1335, 30 January 1979, UN Commission on Human Rights, Report on Thirty-Fifth Session, Point Five of the Provisional Agenda entitled “Question of the violation of human rights and fundamental freedom in any part of the world, with particular reference to colonial and other dependent countries and territories”, p. 35. Case File No. 004-**D219/370.1.4**, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, pp. -5-06, 21.

<sup>161</sup> Case File No. 004-**D6.1.192**, Written Record of Interview of Witness **SĒNG Srun**, 11 August 2008, p. 03. Case File No. 004-**D6.1.722**, Written Record of Interview of Witness **PRĀK Yut** alias *Yeay Yut*, 19 November 2009, p. 03. Case File No. 004-**D6.1.53**, BEN Kiernan, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, p. 08. Case File No. 004-**D6.1.412**, Written Record of Interview of Witness **CHOEU Saing**, 21 November 2008, p. 03. Case File No. 004-**D6.1.1069**, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 29 November 2007, p. 04. Case File No. 004-**D6.1.477**, Written Record

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<sup>162</sup> Case File No. 004-D6.1.753, The Revolutionary Flag, Special Issue, September-October 1976, pp. 18-19. Case File No. 004-D6.1.749, The Revolutionary Flag, February-March 1976, pp. 10-11. Case File No. 004-D6.1.811, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report, 23 May 1977, p. 23. Case File No. 004-D6.1.141, Written Record of Interview of Witness **SAO Sarun**, 17 December 2008, p. 03. Case File No. 004-D6.1.152, Written Record of Interview of Witness **KOY Mon**, 29 May 2008, p. 07. Case File No. 004-D6.1.458, DC-Cam document: “Interview with **MATH Ly**”, by Mr. SIM Sorya and Mr. YSA Osman, 27 March 2000, ERN EN 00441577. Case File No. 004-D6.1.53, BEN Kiernan, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, p. 45. Case File No. 004-D6.1.423, Written Record of Interview of Witness **HĒNG Nea**, 10 December 2008, p. 02. Case File No. 004-D6.1.1260, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 04. Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 15.

<sup>163</sup> Case File No. 004-D117/36.1.21, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973-20 May 1976, pp. 21-22. Case File No. 004-D6.1.676, Written Record of Interview of Witness **CHEANG Sreimom**, 11 November 2009, p. 02. Case File No. 004-D6.1.686, Written Record of Interview of Witness **SĂO Hean**, 21 November 2009, p. 05. Case File No. 004-D6.1.358, Written Record of Interview of Witness **MA Sa Ēm** alias Phin or Krâng, 17 September 2008, p. 04. Case File No. 004-D322/8.1.6, “Brief Study of the History of the Kampuchean Revolutionary Movement under the Leadership of the Communist Party of Kampuchea”, p. 9. Case File No. 004-D6.1.705, Written Record of Interview of Witness **MEAS Soeun**, 18 December 2009, ERN EN 00425891. Case File No. 004-D6.1.1260, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 08. Case File No. 004-D6.1.792, Telegram No. 61, Radio Band 1174, Telegram by Kan to respected and beloved brother, 15 March 1978, p. 03. Case File No. 004-D6.1.765, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 1-2, January-February 1977, p. 06. Case File No. 004-D1.3.22.3, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 7 July 1976, p. 17. Case File No. 004-D322/8.1.25, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 05 May 1977, p. 11. Case File No. 004-D6.1.748, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 10, October 1976, p. 19. Case File No. 004-D322/8.1.21, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 12, December 1976, p. 04. Case File No. 004-D322/8.1.13, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 12, December 1975, p. 05.

<sup>164</sup> Case File No. 004-D6.1.385, Written Record of Interview of Witness **SOU Soeun alias Soeun**, 05 July 2009, p. 09. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 03. Case File No. 004-D6.1.480, Telegram from Department of Asia-Oceania Political Affairs, Ministry of Foreign Affairs, the Republic of France, Subject: Cambodian Chronology (September 1976), Paris, 15 October 1976, pp. 02-03.

<sup>165</sup> Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, pp. 09-10.

<sup>166</sup> Case File No. 004-D219/370.1.4, Airgram entitled “Life inside Cambodia” from US Embassy in Bangkok, 31 March 1976, p. 10.

<sup>167</sup> Case File No. 004-D219/370.1.14, CPK Telegram entitled “To respected and beloved Angkar: Report from Office 401, First Ten-Day Daily Report”, 16 July 1978, p. 04.

<sup>168</sup> Case File No. 004-D6.1.993, Written Record of Interview of Witness **PĪL Khieng**, 27 November 2007, p. 04. Case File No. 004-D6.1.994, Written Record of Interview of Witness **SIM Chheang**, 27 November 2007, p. 04. Case File No. 004-D6.1.995, Written Record of Interview of Witness **MICH**

**Siphon**, 28 November 2007, p. 04. Case File No. 004-D6.1.848, Written Record of Interview of Witness **KHIEV Ēn**, 02 September 2009, p. 07.

<sup>169</sup> Case File No. 002-D117/36.1.25, Interview with Mr. IENG Sary and Mrs. IENG Thirith, conducted in French in Phnum Malai Mountain, and with Mr. SUONG Sikoeun, July 2000, p. 23.

<sup>170</sup> Case File No. 004-D6.1.993, Written Record of Interview of Witness **PĪL Khieng**, 27 November 2007, p. 04. Case File No. 004-D6.1.848, Written Record of Interview of Witness **KHIEV Ēn**, 02 September 2009, p. 07. Case File No. 004-D6.1.994, Written Record of Interview of Witness **SIM Chheang**, 27 November 2007, p. 04. Case File No. 004-D6.1.995, Written Record of Interview of Witness **MICH Siphon**, 28 November 2007, p. 04.

<sup>171</sup> Case File No. 004-D6.1.722, Written Record of Interview of Witness **PRĀK Yut** alias *Yeay Yut*, 19 November 2009, p. 06.

<sup>172</sup> Case File No. 004-D6.1.975, Geography text book of DK's Ministry of Education entitled "Political Geography of Democratic Kampuchea", 1st ed., 1977, p. 04. Case File No. 004-D6.1.837, CPK third document entitled "Governing and Carrying Out Policy and Restoring all Fields of the Country (3<sup>rd</sup> document)". This document concerns Economy, Finance, Culture, and Social Affairs, p. 01. Case File No. 004-D3/4, Written Record of Interview of Witness **CHIN Sinal**, 17 August 2010, p. 05. Case File No. 004-D6.1.117, Written Record of Interview of Witness **DI Piech**, 27 August 2008, p. 04. Case File No. 004-D6.1.442, Written Record of Interview of Witness **KĒM Nhā**, 14 January 2009, p. 03. Case File No. 004-D117/36.1.21, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973-20 May 1976, pp. 13, 23. Case File No. 004-D6.1.772, Phnom Penh Domestic Service Broadcast entitled "Speech by NUON Chea at the 17th January 1977 Army Anniversary Meeting", Excerpts from broadcast extracts from speech by NUON Chea, Chairman of the the People's Representative Assembly Standing Committee and Acting Premier, at the 16th January 1977 Meeting marking the Cambodian Revolutionary Army Anniversary, p. 02. Case File No. 004-D132.1.97, Revolutionary Army adopts Resolutions on SRV (Social Republic of Vietnam) dispute, Phnom Penh Domestic Service Broadcast, Cambodia, 04 January 1978, p. 02. Case File No. 004-D6.1.815, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "**Public Meeting on 27 September 1977, Speech by POL Pot at the Anniversary of the Communist Party of Kampuchea**", 29 September 1977, p. 42. Case File No. 004-D6.1.813, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "The Revolutionary *Angkar* presents prizes to three (3) districts", 23 July 1977, pp. 01, 23. Case File No. 004-D6.1.420, Written Record of Interview of Witness **MĀN Saroeun**, 04 December 2008, p. 03. Case File No. 004-D6.1.1145, Minutes of Council of Ministers's 2nd Meeting, 31 May 1976, p. 01. Case File No. 004-D1.3.16.1, Biography of former Central Zone Secretary **KĒ Pauk** from 1957 to the present, p. 11. Case File No. 004-D219/859, Written Record of Interview of Civil Party Applicant **LĒNG Ra**, 03 November 2016, p. 15. Case File No. 004-D219/541, Written Record of Interview of Witness **KIM Thoeun** alias **KIM Koeun**, 05 October 2007, p. 05. Case File No. 004-D117/52, Written Record of Interview of Witness **BUM Sè**, 27 May 2014, p. 07. Case File No. 004-D132.1.97, Revolutionary Army adopts Resolutions on SRV (Social Republic of Vietnam) dispute, Phnom Penh Domestic Service Broadcast, Cambodia, 04 January 1978, p. 02. Case File No. 004-D6.1.1133, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 05 May 1976, p. 04. Case File No. 004-D6.1.768, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 10-11 October-November 1977, p. 20. Case File No. 004-D6.1.765, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 1-2, January-February 1977, pp. 07, 08. Case File No. 004-D6.1.1131, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 1-2, January-February 1978, p. 39. Case File No. 004-D1.3.22.2, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Special Issue, April 1976, pp. 04, 08, 21. Case File No. 004-D322/8.1.24, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 4, April 1977, pp. 04, 5. Case File No. 004-D322/8.1.22 The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 3 March 1977, p. 16. Case File No. 004-D6.1.747, The Revolutionary Youth, The Propaganda

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<sup>173</sup> Case File No. 004-D6.1.118, Written Record of Interview of Witness **DUCH Phleu**, 28 August 2008, p. 03. Case File No. 004-D6.1.1231, United Nations Economic and Social Council, E/CN.4/1335, 30 January 1979, UN Commission on Human Rights, Report on Thirty-Fifth Session, Point Five of the Provisional Agenda entitled “Question of the violation of human rights and fundamental freedom in any part of the world, with particular reference to colonial and other dependent countries and territories”, p. 23. Case File No. 004-D6.1.725, Written Record of Interview of Witness **CHHOUK Rin** alias **Sok**, 26 November 2009, p. 04.

<sup>174</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D6.1.725, Written Record of Interview of Witness **CHHOUK Rin** alias **Sok**, 26 November 2009, p. 04.

<sup>175</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D219/573, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, pp. 09-10. Case File No. 004-D6.1.725, Written Record of Interview of Witness **CHHOUK Rin** alias **Sok**, 26 November 2009, p. 04.

<sup>176</sup> Case File No. 004-D6.1.118, Written Record of Interview of Witness **DUCH Phleu**, 28 August 2008, p. 03. Case File No. 004-D118/112, Written Record of Interview of Civil Party Applicant **VEN Nat** alias **Ta Nat**, 16 October 2013, p. 13, 15.

<sup>177</sup> Case File No. 004-D6.1.187, Written Record of Interview of Witness **SIM Tun** alias **Tun**, 04 August 2008, p. 04. Case File No. 004-D219/370.1.14, CPK Telegram entitled “To respected and beloved *Angkar*: Report from Office 401, First Ten-Day Daily Report”, 16 July 1978, p. 04.

<sup>178</sup> Case File No. 004-D6.1.56, Report on General Situation from 15 July to 31 August 1976, Division 164, p. 02. Case File No. 004-D118/112, Written Record of Interview of Civil Party Applicant **VEN Nat** alias **Ta Nat**, 16 October 2013, p. 03, 06, 15. Case File No. 004-D219/783, Written Record of Interview of Witness **HEM Preng**, 22 November 2016, p. 10.

<sup>179</sup> Case File No. 004-D219/472, Written Record of Interview of Civil Party Applicant **SUM Chanthol**, 24 August 2015, p. 06.

<sup>180</sup> case 004-D118/112, Written Record of Interview of Civil Party Applicant **VEN Nat** alias **Ta Nat**, 16 October 2013, p. 03.

<sup>181</sup> Case File No. 004-D219/764, Written Record of Interview of Witness **KOEUN Saroent**, 18 May 2016, p. 08.

<sup>182</sup> Case File No. 004-D219/764, Written Record of Interview of Witness **KOEUN Saroent**, 18 May 2016, p. 08. Case File No. 004-D219/320, Written Record of Interview of Witness **PAO Sâh**, 2 May 2015, p. 04. Case File No. 004-D219/370.1.14, CPK Telegram entitled “To respected and beloved *Angkar*: Report from Office 401, First Ten-Day Daily Report”, 16 July 1978, p. 04. Case File No. 004-D117/42, Written Record of Interview of Witness **KHOEM Neary**, 06 May 2014, p. 04. Case File No. 004-D219/326, Written Record of Interview of Witness **HAO Yân**, 22 May 2015, p. 10. Case File No. 004-D6.1.187, Written Record of Interview of Witness **SIM Tun** alias **Tun**, 04 August 2008, p. 04.

<sup>183</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 05. Case File No. 004-D219/254, Written Record of Interview of Witness **RY Rang** alias **RY Sarâng**, 31 March 2015, p. 09. Case File No. 004-D117/42, Written Record of Interview of Witness **KHOEM Neary**, 06 May 2014, p. 04.

<sup>184</sup> Case File No. 004-D6.1.1100, DC-Cam analysis report by YOUK Chhang entitled “In a Dangerous Situation”, p. 160.

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<sup>188</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 07.

<sup>189</sup> Case File No. 004-D219/64, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Raem**, 12 November 2014, p. 07. Case File No. 002-D117/36.1.25, Interview with Mr. IENG Sary and Mrs. IENG Thirith, conducted in French in Phnum Malai Mountain, and with Mr. SUONG Sikoeun, July 2000, pp. 21, 23-24.

<sup>190</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, p. 03.

<sup>191</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, pp. 03-04.

<sup>192</sup> Case File No. 004-D117/47, Written Record of Interview of Witness **AOK Chănti** alias Văna, 10 May 2014, p. 03. Case File No. 004-D322/8.1.16, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 3 March 1976, p. 04.

<sup>193</sup> Case File No. 004-D322/8.1.20, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 11 November 1976, p. 07.

<sup>194</sup> Case File No. 004-D6.1.676, Written Record of Interview of Witness **CHEANG Sreimom**, 11 November 2009, p. 02. Case File No. 004-D6.1.686, Written Record of Interview of Witness **SĂO Hean**, 21 November 2009, p. 05. Case File No. 004-D6.1.358, Written Record of Interview of Witness **MA Sa Ēm** alias Phin or Kràng, 28 March 2009, p. 04. Case File No. 004-D6.1.753, The Revolutionary Flag, Special Issue, September-October 1976, p. 18. Case File No. 004-D6.1.749, The Revolutionary Flag, Issue 2-3, February-March 1976, pp. 10-11. Case File No. 004-D6.1.811, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report, 23 May 1977, p. 23. Case File No. 004-D6.1.141, Written Record of Interview of Witness **SAO Sarun**, 17 December 2008, p. 03. Case File No. 004-D6.1.820, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report, 31 March 1978, p. 51. Case File No. 004-D6.1.1260, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 08. Case File No. 004-D322/8.1.16, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 3 March 1976, p. 04.

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<sup>196</sup> Case File No. 004-D6.1.77, Written Record of Interview of Witness **POEUY Pêl** alias SAOM Ri, 20 March 2008, p. 04.

<sup>197</sup> Case File No. 004-D6.1.99, Written Record of Interview of Witness **CHHOUK Rin** alias Sokh, 29 July 2008, pp. 02, 05-06.

<sup>198</sup> Case File No. 004-D6.1.686, Written Record of Interview of Witness **SĂO Hean**, 21 November 2009, p. 05.

<sup>199</sup> Case File No. 004-D6.1.477, Written Record of Interview of Witness **CHUON Prâseth**, 08 June 2009, p. 03.

<sup>200</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **LĂO Kâng**, 13 March 2017, p. 13.

<sup>201</sup> Case File No. 004-D6.1.53, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, pp. 04, 45.

<sup>202</sup> Case File No. 004-D6.1.848, Written Record of Interview of Witness **KHIEV Ēn**, 02 September 2009, p. 07. Case File No. 004-D6.1.796, Written Record of Interview of the Charged Person **KAING Guek Eav** alias **Duch**, 03 December 2009, p. 05. Case File No. 004-D6.1.1056, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 27 March 2008, p. 05. Case File No. 004-D6.1.716, Written Record of Interview of Witness **YUNG Yèm** alias **YUNG Moeun**, 31 August 2009, p. 03. Case File No. 004-D6.1.721, Written Record of Interview of Witness **PRĂK Yut** alias **Yeay Yut**, 18 November 2009, p. 03. Case File No. 004-D6.1.143, Written Record of Interview of Witness **CHĂK Maklli**, 13 January 2009, pp. 04-05. Case File No. 004-D6.1.119, Written Record of Interview of Witness **SĂY Sèn**, 01 September 2008, p. 13. Case File No. 004-D6.1.136, Written Record of Interview of Interview of Witness **SOKH Khieuk**, 21 November 2008, p. 02. Case File No. 004-D6.1.151, Written Record of Interview of Witness **UONG Khmoeu**, 07 May 2008, p. 03. Case File No. 004-D6.1.156, Written Record of Interview of Witness **TÀN Saroeun**, 03 June 2008, p. 03. Case File No. 004-D6.1.160, Written Record of Interview of Witness **SUM Alăt** alias **CHHONG Lat**, 10 June 2008, p. 04. Case File No. 004-D6.1.164, Written Record of Interview of Witness **KUNG Kimly** alias **Kim**, 17 June 2008, p. 03. Case File No. 004-D6.1.177, Written Record of Interview of Witness **TĂP Lâm**, 08 July 2008, p. 03. Case File No. 004-D6.1.188, Written Record of Interview of Witness **DI Yêt** alias **Pech**, 06 August 2008, p. 02. Case File No. 004-D6.1.360, Written Record of Interview of Witness **CHHUY Huy**, 31 March 2009, p. 03. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĂN Thêv**, 19 December 2008, p. 03. Case File No. 004-D6.1.447, Written Record of Interview of Witness **THĒNG Huy**, 17 September 2008, p. 04. Case File No. 004-D6.1.441, Written Record of Interview of Witness **KOL Lim**, 17 September 2008, p. 03. Case File No. 004-D6.1.449, Written Record of Interview of Interview of Witness **DĂN Sâ**, 29 January 2009, p. 03. Case File No. 004-D6.1.450, Written Record of Interview of Witness **SAOM Phăn**, 30 January 2009, p. 03. Case File No. 004-D6.1.451, Written Record of Interview of Witness **SAING Nhâm**, 30 January 2009, p. 04. Case File No. 004-D6.1.405, Written Record of Interview of Witness **CHUOP Non**, 17 November 2008, pp. 04-05. Case File No. 004-D6.1.407, Written Record of Interview of Witness **AO Hau**, 18 November 2008, p. 03. Case File No. 004-D6.1.475, Written Record of Interview of Civil Party Applicant **AFFONCO Denise**, 03 June 2009, pp. 6-7. Case File No. 004-D6.1.53, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 03. Case File No. 004-D6.1.410, Written Record of Interview of Witness **MEAS Laihuo**, 20 November 2008, p. 03. Case File No. 004-D6.1.420, Written Record of Interview of Interview of Witness **MĂN Saroeun**, 04 December 2008, p. 03. Case File No. 004-D6.1.702, Written Record of Interview of Witness **MĂN Heang**, 10 December 2009, p. 03. Case File No. 004-D6.1.1260, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 07. Case File No. 004-D6.1.1145, Minutes of Council of Ministers's 2nd Meeting, 31 May 1976, pp. 08, 17. Case

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<sup>203</sup> Case File No. 004-D6.1.782, Written Record of Interview of Witness **IEP Duch**, 30 October 2007, p. 05. Case File No. 004-D6.1.848, Written Record of Interview of Witness **KHIEV Ēn**, 02 September 2009, p. 07. Case File No. 004-D3/4, Written Record of Interview of Witness **CHIN Sinal**, 17 August 2010, p. 04. Case File No. 004-D6.1.790, Written Record of Interview of Witness **UK Tuon**, 22 October 2007, p. 02. Case File No. 004-D6.1.1056, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 27 March 2008, p. 05. Case File No. 004-D6.1.143, Written Record of Interview of Witness **CHÀK Maklli**, 13 January 2009, p. 11. Case File No. 004-D6.1.119, Written Record of Interview of Witness **SÂY Sèn**, 01 September 2008, pp. 11, 13. Case File No. 004-D6.1.128, Written Record of Interview of Witness **PÈN Locut**, 18 November 2008, p. 02. Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 05. Case File No. 004-D6.1.151, Written Record of Interview of Witness **UONG Khmoeu**, 07 May 2008, p. 03. Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, pp. 02, 04. Case File No. 004-D6.1.168, Written Record of Interview of Witness **PRUM Saron**, 18 June 2008, p. 05. Case File No. 004-D6.1.187, Written Record of Interview of Witness **SIM Tun** alias **Tun**, 04 August 2008, p. 04. Case File No. 004-D6.1.358, Written Record of Interview of Witness **MA Sa Ēm** alias **Phin** or **Kràng**, 17 September 2008, p. 04. Case File No. 004-D6.1.359, Written Record of Interview of Witness **CHHOEUNG Uo**, 29 March 2009, p. 03. Case File No. 004-D6.1.363, Written Record of Interview of Witness **LEAV Loas**, 09 April 2009, p. 06. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT Īn**, 19 December 2008, p. 03. Case File No. 004-D6.1.441, Written Record of Interview of Witness **KOL Lim**, 17 September 2008, p. 03. Case File No. 004-D6.1.453, Written Record of Interview of Witness **HĒNG Samuot**, 31 January 2009, p. 03. Case File No. 004-D6.1.456, Written Record of Interview of Civil Party Applicant **SUM Rithi** alias **Rith**, 06 March 2009, p. 11. Case File No. 004-D6.1.405, Written Record of Interview of Witness **CHUOP Non**, 17 November 2008, pp. 04-05. Case File No. 004-D6.1.407, Written Record of Interview of Witness **AO Hau**, 18 November 2008, p. 03. Case File No. 004-D6.1.416, Written Record of Interview of Witness **HIM Tân**, 02 December 2008, p. 03. Case File No. 004-D6.1.421, Written Record of Interview of Witness **SĪN Chhèm**, 05 December 2008, p. 03. Case File No. 004-D6.1.703, Written Record of Interview of Witness **BĪN Hēng**, 10 December 2009, p. 03. Case File No. 004-D6.1.1260, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 07. Case File No. 004-D6.1.648, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 03. Case File No. 004-D219/326, Written Record of Interview of Witness **HAO Yān**, 22 May 2015, p. 04.

<sup>204</sup> Case File No. 004-D6.1.112, Written Record of Interview of Witness **SOKH Proeung**, 18 August 2008, pp. 02-03. Case File No. 004-D6.1.53, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 08. Case File No. 004-D6.1.417, Written Record of Interview of Witness **DUONG Uon**, 03 December 2008, p. 04. Case File No. 004-D6.1.703, Written Record of Interview of Witness **BĪN Hēng**, 10 December 2009, p. 03.

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<sup>215</sup> Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 06 August 2009, pp. 07-08. Case File No. 004-D6.1.637, Written Record of Interview of Charged Person **KAING Guek Eav alias Duch**, 22 October 2009, p. 07. Case File No. 004-D6.1.675, Written Record of Interview of Witness **IENG Chham** alias Chhi, 08 November 2009, ERN EN 00410232. Case File No. 004-D1.3.36.1, Written Record of Interview of Charged Person **KHIEU Samphan** alias Hem (former Head of State of Democratic Kampuchea), 13 December 2007, p. 02. Case File No. 004-D6.1.385, Written Record of Interview of Witness **SOU Soeun alias Soeun**, 05 July 2009, p. 03. Case File No. 004-D6.1.389, Written Record of Interview of Witness **KHIEV Neou**, 23 July 2009, p. 03. Case File No. 004-D6.1.728, Written Record of Interview of Witness **MEAS Voeun alias SVAY Voeun**, 16 December 2009, p. 03. Case File No. 004-D6.1.732, Written Record of Interview of Witness **NAM Chè**, 24 July 2009, p. 07. Case File No. 004-D6.1.734, Written Record of Interview of Witness **SOKH Chhien**, 19 August 2009, p. 07. Case File No. 004-D6.1.979, Written Record of Interview of Witness **MEAS Voeun** alias SVAY Voeun, 04 March 2010, p. 04. Case File No. 004-D6.1.848, Written Record of Interview of Witness **KHIEV Ēn**, 02 September 2009, p. 08. Case File No. 004-D6.1.988, Written Record of Interview of Witness **SOU Năn alias Năn**, 09 April 2010, p. 04. Case File No. 004-D6.1.899, Meng-Try Ea and Sopheak Loeng's Interview with KHIEU Samphan and NUON Chea in Pailin Province, Cambodia, 09-11 June 2006, ERN EN 00000928. Case File No. 004-D6.1.715, Written Record of Interview of Witness **SALOT Ban** alias LOT Nitya alias SO Hong, 22 July 2009, p. 02. Case File No. 004-D6.1.716, Written Record of Interview of Witness **YUNG Yem** alias **YUNG Moeun**, 31 August 2009, p. 03. Case File No. 004-D6.1.142, Written Record of Interview of Witness **CHEA Lēng** alias OENG Tangchhēng, 18 December 2008, p. 02. Case File No. 004-D6.1.120, Written Record of Interview of Witness **SOH Kāmri** alias Hachikamaruttin Yousoh, 10 September 2008, p. 03. Case File No. 004-D6.1.152, Written Record of Interview of Witness **KOY Mon**, 29 May 2008, p. 06. Case File No. 004-D6.1.159, Written Record of Interview of Witness **OUK Savuth alias Nhor**, 09 June 2008, p. 02. Case File No. 004-D6.1.188, Written Record of Interview of Witness **DI Yēt alias Pech**, 06 August 2008, p. 02. Case File No. 004-D6.1.195, Written Record of Interview of Witness **Francois Ponchaud**, 13 February 2009, pp. 04, 07. Case File No. 004-D6.1.811, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report entitled "Interview with Deputy Prime Minister for Foreign Affairs IENG Sary by Italian Journalist TISIANO TEZANY, 04 May 1977, p. 14. Case File No. 004-D6.1.475, Written Record of Interview of Witness of Civil Party Applicant **AFFONCO Denise**, 03 June 2009, p. 03. Case File No. 004-D6.1.53, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 44. Case File No. 004-D6.1.196, **Francois Ponchaud**, "Liberated Cambodia" Echange France-Asie, Special Report No. 13, January 1976, January 1976, p. 21. Case File No. 004-D6.1.420, Written Record of Interview of Witness **MĀN Sareun**, 04 December 2008, p. 02. Case File No. 004-D6.1.699, Written Record of Interview of Witness **SRUN Chey**, 11 December 2009, p. 03. Case File No. 004-D6.1.702, Written Record of Interview of Witness **MĀN Heang**, 10 December 2009, p. 03. Case File No. 004-D6.1.704, Written Record of Interview of Witness **KAOT Rĭn**, 15 December 2009, p. 03. Case File No. 004-D6.1.705, Written Record of Interview of Witness **MEAS Soeun**, 18 December 2009, ERN EN 00425891. Case File No. 004-D6.1.706, Written Record of Interview of Witness **HIM Horn**, 18 December 2009, p. 03. Case File No. 004-D6.1.1261, Speech by **IENG Sary**, DK Deputy Prime Minister for Foreign Affairs, in the Summit of Non-Aligned Countries occurred in Lima, Peru on 08 September 1975, p. 01. Case File No. 004-D117/36.1.25, Interview with Mr. IENG Sary and Mrs. IENG Thirith, conducted in French in Phnum Malai Mountain, and with Mr. SUONG Sikoeun, July 2000, p. 08.

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<sup>223</sup> Case File No. 004-D6.1.413, Written Record of Interview of Witness **HOK Hoeun alias Hoeun**, 23 November 2008, p. 04. Case File No. 004-D6.1.703, Written Record of Interview of Witness **BĪN Hēng**, 10 December 2009, p. 03. Case File No. 004-D6.1.1261, Speech by **IENG Sary** alias Van, Democratic Kampuchea Deputy Prime Minister for Foreign Affairs, in the Summit of Non-Aligned Countries occurred in Lima, Peru on 08 September 1975, p. 01.

<sup>224</sup> Case File No. 004-D6.1.413, Written Record of Interview of Witness **HOK Hoeun alias Hoeun**, 23 November 2008, p. 04. Case File No. 004-D6.1.417, Written Record of Interview of Witness **DUONG Uon**, 03 December 2008, p. 03.

<sup>225</sup> Case File No. 004-D219/573, Written Record of Interview of Witness **KIET Prām**, 28 October 2015, p. 07. Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 03. Case File No. 004-D6.1.899, Meng-Try Ea and Sopheak Loeung's Interview with KHIEU Samphan and NUON Chea in Pailin Province, Cambodia, 09-11 June 2006, ERN EN 00000934. Case File No. 004-D6.1.385, Written Record of Interview of Witness **SOU Soeun** alias Soeun, 05 July 2009, p. 05. Case File No. 004-D117/70, Written Record of Interview of Witness **PRĀK Yut alias Yeay Yut**, 28 May 2013, p. 09. Case File No. 004-D117/71, Written Record of Interview of Witness **PRĀK Yut alias Yeay Yut**, 19 June 2013, ERN EN 01056223. Case File No. 004-D219/80, Written Record of Interview of Witness **THOU Leang**, 18 November 2014, p. 04. Case File No. 004-D6.1.560, Telegram No. 227: Meng via A Chhorn, A Meng, CIA at 109 escaped from Srae Ronomg Commune on 26 January 1978; Our comrades arrested them in Kampot on 06 February 1978, p. 01. Case File No. 004-D6.1.1, Minutes of permanent committee meeting, 02 November 1975, p. 04. Case File No. 004-D6.1.47, DC-Cam document: "Interview with Mrs. NHEM Ni, resident of Trapeang Bei Village, Baray Commune, Prey Chhor District, Kampong Cham, 19 August 2003", by Mr. LONG Dani and Mr. RUOS Sampeou, p. 23. Case File No. 004-D6.1.53, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 21. Case File No. 004-D6.1.410, Written Record of Interview of Witness **MEAS Laihuo**, 20 November 2008, p. 03. Case File No. 004-D6.1.724, Written Record of Interview of Witness **PRUM Sou**, 24 November 2009, ERN EN 00422381. Case File No. 004-D6.1.1261, Speech by **IENG Sary** alias Van, DK Deputy Prime Minister for Foreign Affairs, in the Summit of Non-Aligned Countries occurred in Lima, Peru on 08 September 1975, p. 01. Case File No. 004-D6.1.1260, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 08. Case File No. 004-D6.1.1145, Minutes of Council of Ministers's 2nd Meeting, 31 May 1976, p. 11. Case File No. 004-D6.1.836, BEN Kiernan's Handwritten English Translation of the Interview of Mr. UK Bunchhoeun, 30 September 1980, p. 18. Case File No. 004-D6.1.477, Written Record of Interview of Witness **CHUON Prāseth**, 08 June 2009, pp. 02, 03, 06. Case File No. 004-D6.1.513, Written Record of Interview of Witness **KIM Vun** alias Chhaom, 28 July 2009, p. 04. Case File No. 004-D6.1.521, Written Record of Interview of Witness **NIM Sēm**, 18 July 2009, p. 05. Case File No. 004-D219/370.1.4, Airgram entitled "Life inside Cambodia" from US Embassy in Bangkok, 31 March 1976, p. 02. Case File No. 004-D6.1.1131, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 1-2, January-February 1978, p. 21. Case File No. 004-D322/8.1.24, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association "CKYA", Number 4, April 1977, p. 15.

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<sup>236</sup> Case File No. 004-**D6.1.991**, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010, p. 05.

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Case File No. 004-**D6.1.120**, Written Record of Interview of Witness **SOH Kāmri** alias **Hachikamaruttin Yousoh**, 10 September 2008, p. 04. Case File No. 004-**D6.1.127**, Written Record of Interview of Witness **SUN Năt** alias **Ta Năt**, 18 November 2008, p. 04. Case File No. 004-**D6.1.132**, Written Record of Interview of Witness **HUN Sa**, 19 November 2008, p. 04. Case File No. 004-**D6.1.153**, Written Record of Interview of Witness **YIM Sophat** alias **Phat**, 29 May 2008, p. 05. Case File No. 004-**D6.1.188**, Written Record of Interview of Witness **DI Yēt** alias **Pech**, 06 August 2008, pp. 03, 08. Case File No. 004-**D6.1.344**, Written Record of Interview of Witness **SIM Leang**, 02 February 2009, p. 03. Case File No. 004-**D6.1.347**, Written Record of Interview of Witness **KIV Mau**, 05 February 2009, p. 04. Case File No. 004-**D6.1.349**, Written Record of Interview of Witness **KĒV Kin**, 12 February 2009, p. 03. 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- <sup>294</sup> Case File No. 004-**D6.1.430**, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04.
- <sup>295</sup> Case File No. 004-**D219/368**, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 26.
- <sup>296</sup> Case File No. 004-**D219/368**, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 26.
- <sup>297</sup> Case File No. 004-**D219/348**, Written Record of Interview of Witness **UM Tân** alias Voeun, 02 June 2015, p. 12. Case File No. 004-**D6.1.721**, Written Record of Interview of Witness **PRĀK Yut** alias Yeay Yut, 18 November 2009, p. 05. Case File No. 004-**D6.1.708**, Written Record of Interview of Witness **PREAP Vān**, 21 December 2009, p. 04. Case File No. 004-**D6.1.410**, Written Record of Interview of Interview of Witness **MEAS Laihuo**, 20 November 2008, pp. 03-04. Case File No. 004-**D6.1.698**, Written Record of Interview of Witness **SOM Chhom**, 10 December 2009, p. 04. Case File No. 004-**D6.1.53**, BEN Kiernan, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, p. 17. Case File No. 004-**D6.1.411**, Written Record of Interview of Witness **SOKH Koeun** alias SĪN Saroeun, 20 November 2008, p. 03. Case File No. 004-**D6.1.648**, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 04.
- <sup>298</sup> Case File No. 004-**D219/896**, Written Record of Interview of Witness **DOS Doeun**, 07 May 2017, p. 14.
- <sup>299</sup> Case File No. 004-**D6.1.1131**, The Revolutionary Youth, The Propaganda and Education Organization of Communist Kampuchea Youth Association “CKYA”, Number 1-2, January-February 1978, p. 02.
- <sup>300</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sāmphăt**, 08 June 2013, p. 11.
- <sup>301</sup> Summary of the International Criminal Tribunal for Rwanda, *see* International Criminal Tribunal for Rwanda: <http://unictr.unmict.org/en/tribunal>; Genocide: *see* <http://unictr.unmict.org/en/genocide>.
- <sup>302</sup> Bosnian Genocide, *See*: <https://infogram.com/bosnian-genocide-1grv02gr0yojplx>.
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- <sup>304</sup> Case File No. 004-**D1.3.36.1**, Written Record of Interview of Charged Person **KHIEU Samphan** alias Hem (former Head of State of Democratic Kampuchea), 13 December 2007, p. 09.
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- <sup>306</sup> Case File No. 004-**D6.1.99**, Written Record of Interview of Witness **CHHOUK Rin** alias Sokh, 29 July 2008, p. 02.
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<sup>313</sup> Case File No. 004-D219/537, Written Record of Interview of Witness **SĒM Hocun**, 08 October 2015, p. 09.

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<sup>316</sup> **Case File No. 004-D1**, Co-Prosecutor’s Third Introductory Submission, 20 November 2008, Case File No. 004/20-11-2008/ECCC/OCIJ, submitted by the Office of the Co-Prosecutors, para. 95 (4), p. 31 (Classification status: Confidential).

<sup>317</sup> Case File No. 004-D1.3.27.5, Interviews with Cambodian Refugees at Thai-Cambodian Border prepared for **Ishiyama Committee**, Annual Report 1980, February-March 1980, p. 59. Case File No. 004-D1.3.36.1, Written Record of Interview of Charged Person **KHIEU Samphan** alias **Hem** (former Head of State of Democratic Kampuchea), 13 December 2007, pp. 10-11.

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<sup>320</sup> Case File No. 004-D6.1.99, Written Record of Interview of Witness **CHHOUK Rin** alias **Sok**, 29 July 2008, p. 07. Case File No. 004-D6.1.1067, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 02 October 2007, p. 03. Case File No. 004-D1.3.27.5, Interviews with Cambodian Refugees at Thai-Cambodian Border prepared for **Ishiyama Committee**, Annual Report 1980, February-March 1980, pp. 47-48, 59. Case File No. 004-D6.1.532, Khieu Samphan, "Consideration on the History of Cambodia from Early Stage to the Period of Democratic Kampuchea", Reahu Publishing Service, October 2007, p. 142. Case File No. 004-D1.3.36.1, Written Record of Interview of Charged Person **KHIEU Samphan** alias Hem (former Head of State of Democratic Kampuchea), 13 December 2007, pp. 06, 10. Case File No. 004-D1.3.29.7, Written Audio Record of Interview of **KAING Guek Eav** alias **Duch**, former Chairman of S-21 Security Centre, 18 June 1999, p. 02. Case File No. 004-D6.1.512,

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<sup>333</sup> Case File No. 004-D1.3.15.1, Report of Expert **Craig C. Etcheson**, 18 July 2007, pp. 03-04, 24. Case File No. 004-D6.1.522, Written Record of Interview of Witness **HON Sàng**, 19 July 2009, p. 03. Case File No. 004-D6.1.723, Written Record of Interview of Witness **LONH Dos**, 20 November 2009, pp. 04-05. Case File No. 004-D6.1.1259, SOAS/HRW Information: Statement by **KHIEU Samphan** alias Hem (former Democratic Kampuchea's Head of State), 17 August 2005, p. 01. Case File No. 004-D6.1.1036, Written Record of Interview of Charged Person **KHIEU Samphan** alias Hem (former Head of State of Democratic Kampuchea), 13 December 2007, p. 04. Case File No. 004-D6.1.520, Written Record of Interview of Witness **LÉNG Chhoeung**, 17 July 2009, pp. 03-05. Case File No. 004-D6.1.521, Written Record of Interview of Witness **NIM Sêm**, 18 July 2009, p. 04.

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<sup>337</sup> Case File No. 004-D1.3.24.1, Minutes of the Permanent Committee's Visit to the Northwest Zone, 20-24 August 1975, pp. 01-03. Case File No. 004-D1.3.24.2, Minutes of Permanent Committee Meeting, 09 October 1975, pp. 06-07. Case File No. 004-D6.1.1, Document on Permanent Committee Meeting, 02 November 1975, pp. 07-08. Case File No. 004-D6.1.1136, Minutes of Permanent Committee Meeting, 11 March 1976, pp. 01-02. Case File No. 004-D132.1.94, Minutes of Permanent Committee Meeting, 11 March 1976, pp. 01-02. Case File No. 004-D6.1.1138, Minutes of Permanent Committee Meeting, 26 March 1976, pp. 01-07. Case File No. 004-D6.1.850, Decision of the Permanent Committee in meetings on 19-20-21 April 1976, pp. 04-06. Case File No. 004-D6.1.1142, Observing the Vietnamese reaction in the fifth meeting, 14 May 1976, pp. 01-17. Case File No. 004-D6.1.1144, Minutes of Permanent Committee Meeting, 30 May 1976, pp. 01-02. Case File No. 004-D6.1.1073, Answers of **KAING Guek Eav** alias **Duch**, former Chairman of S-21 Security Centre, to the written questions of the Co-Investing Judge, 21 October 2008, ERN EN 00251373.

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<sup>339</sup> Case File No. 004-D1.3.19.1, Decision of the Central Committee regarding a number of matters, 30 March 1976, p. 01. Case File No. 004-D1.3.15.1, Report of Expert **Craig C. Etcheson**, 18 July 2007, p. 06. Case File No. 004-D6.1.1166, Minutes of Meeting regarding works at the base, 08 March 1976, p. 04. Case File No. 004-D6.1.1147, Minutes of Meeting on Social Affairs and Health, 10 May 1976, p. 06.

<sup>340</sup> Case File No. 004-D6.1.1130, Constitution of Democratic Kampuchea, adopted by the third National Congress on 14 December 1975, promulgated on 05 January 1976, p. 02. Case File No. 004-D6.1.503, Written Record of Interview of Witness **NORNG Siphàng** alias **NORNG Sēngchim**, 28 March 2009, pp. 06-07. Case File No. 004-D6.1.1231, United Nations Economic and Social Council, E/CN.4/1335, 30 January 1979, UN Commission on Human Rights, Report on Thirty-Fifth Session, Point Five of the Provisional Agenda entitled "Question of the violation of human rights and fundamental freedom in any part of the world, with particular reference to colonial and other dependent countries and territories", p. 10. Case File No. 004-IS9.3, , Democratic Kampuchea Code No. K Chor Bor Tor 76-1 issued by the Head of Presidium, the Code defines work process of the Kampuchean People's Representative Assembly and the Standing Committee of the People's Representative Assembly, 02 May 1976, by KHIEU Samphan, the Head of Presidium of the Democratic Kampuchea, p. 01.

<sup>341</sup> Case File No. 004-D6.1.1073, Answers of **KAING Guek Eav** alias **Duch**, former Chairman of S-21 Security Centre, to the written questions of the Co-Investing Judge, 21 October 2008, ERN EN 00251374. Case File No. 004-D6.1.975, Geography text book of DK's Ministry of Education entitled "Political Geography of Democratic Kampuchea", 1st ed., 1977, p. 10. Case File No. 004-D6.1.1260, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 03. Case File No. 004-D6.1.774, Presentation of Comrade Secretary POL Pot in the First Meeting of Ministers on 22 April 1976, pp. 07-08.

<sup>342</sup> Case File No. 004-D6.1.975, Geography text book of DK's Ministry of Education entitled "Political Geography of Democratic Kampuchea", 1st ed., 1977, p. 10.

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- <sup>372</sup> Case File No. 004-**D118/249**, Written Record of Interview of Civil Party Applicant **SON Ēm**, 02 June 2014, p. 08.
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- <sup>398</sup> Case File No. 004-D118/153, Written Record of Interview of Witness **LONG Von**, 26 November 2013, p. 06. Case File No. 004-D118/107, Written Record of Interview of Witness **SÈT Dun**, 23 September 2013, p. 04. Case File No. 004-D118/85, Written Record of Interview of Witness **CHEA Chooun**, 09 August 2013, pp. 03-04. Case-004- D219/228, Written Record of Interview of Witness **NUT Neou**, 17 March 2015, p. 10. Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, pp. 07-10.
- <sup>399</sup> Case File No. 004-D219/528, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 09.
- <sup>400</sup> Case File No. 004-D6.1.362, Written Record of Interview of Witness **POL Seun**, 08 April 2009, p. 04. **Case File No. 004-D6.1.382**, Written Record of Interview of Witness **HUOT Robieb**, 24 June 2009, p. 04. **Case File No. 004-D6.1.447, Written Record of Interview of Witness THĒNG Huy**, 17 September 2008, pp. 03-04. Case File No. 004-D6.1.362, Written Record of Interview of Witness **POL Seun**, 08 April 2009, p. 03. Case File No. 004-D6.1.117, Written Record of Interview of Witness **DI Piech**, 27 August 2008, p. 03.
- <sup>401</sup> Case File No. 004-D118/66, Written Record of Interview of Witness **IM Ān**, 28 May 2013, p. 05.
- <sup>402</sup> Case File No. 004-D1.3.10.2, Report from Sector 1, 28 May 1977, p. 01.
- <sup>403</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04. Case File No. 004-D118/86, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, p. 05.
- <sup>404</sup> Case File No. 004-D219/343, Written Record of Interview of Witness **RUOS Maong**, 28 May 2015, p. 04.
- <sup>405</sup> Case File No. 004-D1.3.10.2, Report from Sector 1, 28 May 1977, p. 01.
- <sup>406</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04.
- <sup>407</sup> Case File No. 004-D219/627, Written Record of Interview of Witness **LOCH Ēng**, 10 December 2015, p. 03.
- <sup>408</sup> Case File No. 004-D219/627, Written Record of Interview of Witness **LOCH Ēng**, 10 December 2015, p. 03.
- <sup>409</sup> Case File No. 004-D118/242, Written Record of Interview of Witness **KHOEM Boeun**, 21 May 2014, p. 44.
- <sup>410</sup> Case File No. 004-D219/528, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 09. Case File No. 004-D219/343, Written Record of Interview of Witness **RUOS Maong**, 28 May 2015, pp. 04-05.
- <sup>411</sup> Case File No. 004-D219/528, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 09. Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 05. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 09-10. Case File No. 004-D1.3.25.4, List of S-21 Prisoners, pp. 03-05.
- <sup>412</sup> Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 14.
- <sup>413</sup> Case File No. 004-D118/86, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, p. 05.
- <sup>414</sup> Case File No. 004-D219/193, Written Record of Interview of Witness **VAT Phat**, 23 February 2015, pp. 34, 40.

- <sup>415</sup> Case File No. 004-**D219/193**, Written Record of Interview of Witness **VAT Phat**, 23 February 2015, pp. 35, 43-44.
- <sup>416</sup> Case File No. 004-**D118/259**, Written Record of Interview of Witness **PECH Chim**, 19 June 2014, p. 11.
- <sup>417</sup> Case File No. 004-**D118/259**, Written Record of Interview of Witness **PECH Chim**, 19 June 2014, p. 11. Case File No. 004-**D6.1.1063**, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 05 May 2008, p. 19.
- <sup>418</sup> Case File No. 004-**D219/528**, Written Record of Interview of Witness **LONH Lun**, 23 September 2015, p. 09.
- <sup>419</sup> Case File No. 004-**D1.3.11.55**, Office of the Co-Prosecutors' Written Record of Interview of **NUON Muon**, 02 August 2008, p. 05.
- <sup>420</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun**, 12 November 2014, pp. 06-07.
- <sup>421</sup> Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 05.
- <sup>422</sup> Case File No. 004-**D118/108**, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 07-08 (first-hand witness).
- <sup>423</sup> Case File No. 004-**D1.3.11.55**, Office of the Co-Prosecutors' Written Record of Interview of **NUON Muon**, 02 August 2008, p. 05.
- <sup>424</sup> Case File No. 004-**D1.3.11.55**, Office of the Co-Prosecutors' Written Record of Interview of **NUON Muon**, 02 August 2008, p. 05.
- <sup>425</sup> Case File No. 004-**D118/153**, Written Record of Interview of Witness **LONG Von**, 26 November 2013, p. 05.
- <sup>426</sup> Case File No. 004-**D118/60**, Written Record of Interview of Witness **LONG SokhKhi**, 22 May 2013, p. 04. **D118/87**, Written Record of Interview of Witness **TEP Sien**, 13 August 2013, p. 07. **D219/294**, Written Record of Interview of Witness **MUOL Eng**, 04 May 2015, pp. 03, 06, 07. Case File No. 004-**D118/285**, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 07, 10. Case File No. 004-**D219/62**, Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, pp. 06-07-08. Case File No. 004-**D119/124**, Written Record of Interview of Witness **NHEM En**, 07 May 2014, pp. 07-08.
- <sup>427</sup> Case-**D118/85**, Written Record of Interview of Witness **CHEA Choeun**, 09 August 2013, pp. 03-04.
- <sup>428</sup> Case-**D118/107**, Written Record of Interview of Witness **SÉT Dun**, 23 September 2013, pp. 03-04.
- <sup>429</sup> Case File No. 004-**D118/153**, Written Record of Interview of Witness **LONG Von**, 26 November 2013, pp. 05-06-07.
- <sup>430</sup> Case File No. 004-**D118/84**, Written Record of Interview of Witness **TAUCH Phoeun**, 08 August 2013, p. 04. Case File No. 004-**D118/87**, Written Record of Interview of Witness **TEP Sien**, 13 August 2013, pp. 05-06. Case File No. 004-**D118/285**, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, pp. 09-10.
- <sup>431</sup> Case File No. 004-**D118/136**, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 03, 10-11. Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Soung**, 08 December 2014, pp. 07, 20-21. Case File No. 004-**D118/249**, Written Record of Interview of Civil Party Applicant **SON Em**, 02 June 2014, p. 04. Case File No. 004-**D118/86**, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, p. 05.
- <sup>432</sup> Case File No. 004-**D118/153**, Written Record of Interview of Witness **LONG Von**, 26 November 2013, p. 11.
- <sup>433</sup> Case File No. 004-**D118/86**, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, p. 05. Case File No. 004-**D118/107**, Written Record of Interview of Witness **SÉT Dun**, 23 September 2013, p. 06. Case File No. 004-**D118/250**, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, pp. 11, 13.
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- <sup>435</sup> Case File No. 004-**D118/107**, Written Record of Interview of Witness **SĒT Dun**, 23 September 2013, pp. 06-07. Case File No. 004-**D118/86**, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, pp. 05, 09-10. Case File No. 004-**D219/294**, Written Record of Interview of Witness **MUOL Ēng**, 04 May 2015, pp. 10-11. Case File No. 004-**D118/102**, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, pp. 05, 09. Case File No. 004-**D219/208**, Written Record of Interview of Witness **HÀNG Thai**, 26 February 2015, pp. 03-04. Case File No. 004-**D219/528**, Written Record of Interview of Witness **LONH Lun**, 23 September 2015, p. 10. Case File No. 004-**D219/763**, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, pp. 15-16. Case File No. 004-**D219/257**, Written Record of Interview of Witness **SĒK Chôt**, 02 April 2015, p. 05. Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHĪT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D1.3.11.36**, Office of the Co-Prosecutors' Written Record of Interview of **NUON Muon**, 02 August 2008, p. 05. Case File No. 004-**D6.1.362**, Written Record of Interview of Witness **POL Seun**, 08 April 2009, p. 04. Case File No. 004-**D6.1.382**, Written Record of Interview of Witness **HUOT Robieb**, 24 June 2009, p. 04. Case File No. 004-**D6.1.447**, Written Record of Interview of Witness **THĒNG Huy**, 17 September 2008, p. 03.
- <sup>436</sup> Case File No. 004-**D219/343**, Written Record of Interview of Witness **RUOS Maong**, 28 May 2015, pp. 04-05.
- <sup>437</sup> Case File No. 004-**D219/343**, Written Record of Interview of Witness **RUOS Maong**, 28 May 2015, pp. 04-05.
- <sup>438</sup> Case File No. 004-**D118/34**, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04.
- <sup>439</sup> **D118/150**, Written Record of Interview of Witness **HEM Moeun**, 21 November 2013, pp. 04, 06, 11. Case File No. 004-**D118/137**, Written Record of Interview of Witness **CHHORN Vorn**, 31 October 2013, p. 09. Case File No. 004-**D119/66**, Written Record of Interview of Witness **BIN Heuy**, 27 November 2013, pp. 04-05-06. Case File No. 004-**D118/106**, Written Record of Interview of Witness **HUON Choeun**, 22 September 2013, p. 03.
- <sup>440</sup> Case File No. 004-**D219/528**, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 10.
- <sup>441</sup> Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 09-10.
- <sup>442</sup> Case File No. 004-**D118/34**, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04. Case File No. 004-**D118/242**, Written Record of Interview of Witness **KHOEM Boeun**, 21 May 2014, p. 44.
- <sup>443</sup> Case File No. 004-**D6.1.984**, Written Record of Interview of Witness **SĒNG Sâm At**, 23 March 2013, ERN EN 00492921.
- <sup>444</sup> Case File No. 004-**D219/528**, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 10.
- <sup>445</sup> Case File No. 004-**D118/107**, Written Record of Interview of Witness **SĒT Dun**, 23 September 2013, p. 08. Case File No. 004-**D118/86**, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, pp. 05, 09-10. Case File No. 004-**D219/294**, Written Record of Interview of Witness **MUOL Ēng**, 4 May 2015, pp. 10-11. Case File No. 004-**D118/102**, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, pp. 05, 09. Case File No. 004-**D219/208**, Written Record of Interview of Witness **HÀNG Thai**, 26 February 2015, p. 03. Case File No. 004-**D219/528**, Written Record of Interview of Interview of Witness **LONH Lun**, 28 September 2015, p. 10. Case File No. 004-**D219/763**, Written Record of Interview of Interview of Witness **SĂO Choap**, 17 May 2016, p. 15. Case File No. 004-**D219/257**, Written Record of Interview of Interview of Witness **SĒK Chôt**, 02 April 2015, pp. 08-09. Case File No. 004-**D119/33**, Written Record of Interview of Interview of Witness **CHHĪT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D1.3.11.36**, Office of

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- <sup>446</sup> Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 14.
- <sup>447</sup> Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, p. 03. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 June 2013, p. 07. Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, pp. 09-10. Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, p. 06. Case File No. 004-D219/20, Written Record of Interview of Civil Party Applicant **CHHUM Vänni**, 2 October 2014, p. 09. Case File No. 004-D118/4, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, pp. 04-05. Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 8 April 2015, pp. 03, 05. Case File No. 004-D219/172, Written Record of Interview of Witness **TAUCH Bunthei**, 12 February 2015, p. 10. Case File No. 004-D219/20, Written Record of Interview of Civil Party Applicant **CHHUM Vänni**, 02 October 2014, pp. 17-18. Case File No. 004-D119/73, Written Record of Interview of Witness **NOU Chuong**, 20 February 2014, p. 05. Case File No. 004-D119/124, Written Record of Interview of Witness **NHĒM Ēn**, 07 May 2014, p. 08. Case File No. 004-D219/57, Written Record of Interview of Witness **KUNG Sarun**, 30 October 2014, pp. 06-07. Case File No. 004-D118/262, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 14. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 06. Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04. Case File No. 004-D118/202, Written Record of Interview of Civil Party Applicant **PRĀK Sarin**, 14 March 2014, pp. 08-09. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 06. Case File No. 004-D219/758, Written Record of Interview of Witness **IM Lun**, 11 May 2016, p. 05.
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- Case File No. 004-D6.1.22, List of S-21 Prisoners, p. 07. Case File No. 004-D6.1.27, List of S-21 Prisoners, p. 07. Case File No. 004-D6.1.1208, List of S-21 Prisoners, pp. 03-04. Case File No. 004-D1.3.25.3, List of S-21 Prisoners. Case File No. 004-D1.3.25.5, List of S-21 Prisoners. Case File No. 004-D6.1.1209, List of S-21 Prisoners, p. 07. Case File No. 004-D1.3.25.7, List of S-21 Prisoners, pp. 01-08. Case File No. 004-D1.3.25.8, List of S-21 Prisoners. Case File No. 004-D6.1.18, List of S-21 Prisoners, p. 02. Case File No. 004-D6.1.34, List of S-21 Prisoners. Case File No. 004-D6.1.12, List of S-21 Prisoners, p. 02. Case File No. 004-D6.1.14, List of S-21 Prisoners, p. 03. Case File No. 004-D6.1.1186, List of S-21 Prisoners, pp. 07-08. Case File No. 004-D6.1.1188, List of S-21 Prisoners, p. 01. Case File No. 004-D6.1.1190, List of S-21 Prisoners, p. 01. Case File No. 004-D6.1.1199, List of S-21 Prisoners, p. 05. Case File No. 004-D6.1.1201, List of S-21 Prisoners, pp. 01, 03. Case File No. 004-D6.1.1192, List of S-21 Prisoners, p. 03. Case File No. 004-D6.1.1193, List of S-21 Prisoners, pp. 01-02. Case File No. 004-D6.1.22, List of S-21 Prisoners, p. 07. Case File No. 004-D1.3.25.4, List of S-21 Prisoners, pp. 02-05. Case File No. 004-D219/702.1.55, List of S-21 Prisoners, p. 01. Case File No. 004-D1.3.5.1, List of S-21 Prisoners. Case File No. 004-D1.3.25.1, List of S-21 Prisoners, pp. 01-05. Case File No. 004-D1.3.25.2, List of S-21 Prisoners, pp. 1-3. Case File No. 004-D6.1.1194, List of S-21 Prisoners, pp. 03-04.
- <sup>449</sup> Case File No. 004-D1.3.11.55, Office of the Co-Prosecutors' Written Record of Interview of **NUON Muon**, 02 August 2008, p. 05.
- <sup>450</sup> Case File No. 004-D219/528, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 09.
- <sup>451</sup> Case File No. 004-D219/528, Written Record of Interview of Witness **LONH Lun**, 28 September 2015, p. 09.
- <sup>452</sup> Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 04-05.
- <sup>453</sup> Case File No. 004-D219/294, Written Record of Interview of Witness **MUOL Ēng**, 04 May 2015, p. 04. Case File No. 004-D118/86, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, pp. 03, 05-06. Case File No. 004-D118/150, Written Record of Interview of Witness **HEM Moeun**, 21 November 2013, pp. 05-06, 08. Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 04-05. Case File No. 004-D123/1/5.1a, DC-Cam's Interview with **IM Chaem**, 04 March 2007, p. 15. Case File No. 004-D1.3.11.36, Office of the Co-Prosecutors' Written Record of Preliminary Interview with **NUON Muon**, 02 August 2008, p. 05. Case File No. 004-D219/57, Written Record of Interview of Witness **KUNG Ron** alias **KUNG Saron**, 30 October 2014, pp. 08-09. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 07. Case File No. 004-D6.1.450, Written Record of Interview of Witness **SAOM Phǎn**, 30 January 2009, p. 04. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, p. 05. Case File No. 004-D6.1.427, Written Record of Interview of Witness **LĪV Peou**, 19 December 2008, p. 05. Case File No. 004-D219/294, Written Record of Interview of Witness **MUOL Ēng**, 04 May 2015, p. 04. Case File No. 004-D118/86, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, pp. 03, 05-06. Case File No. 004-D118/150, Written Record of Interview of Witness **HEM Moeun**, 21 November 2013, pp. 05-06, 08. Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 04-05. Case File No. 004-D123/1/5.1a, DC-Cam's Interview with **IM Chaem**, 04 March 2007, p. 15. Case File No. 004-D219/64, Written Record of Interview of Witness **PEOU Koeun**, 12 November 2014, p. 08. Case File No. 004-D219/359.1, Searching for the Truth Magazine-History and Research, Number 185, May 2015, p. 02. Case File No. 004-D6.1.1063, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 05 May 2008, p. 19. Case File No. 004-D219/193, Written Record of Interview of Witness **VAT Phat**, 23 February 2015, pp. 34-35.
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- <sup>456</sup> Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 07.

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- <sup>458</sup> Case File No. 004-D1.3.25.1, List of S-21 Prisoners, p. 04.
- <sup>459</sup> Case File No. 004-D1.3.25.2, List of S-21 Prisoners, p. 02.
- <sup>460</sup> Case File No. 004-D6.1.1193, List of S-21 Prisoners, pp. 01-02.
- <sup>461</sup> Case File No. 004-D6.1.1199, List of S-21 Prisoners, p. 05. Case File No. 004-D6.1.1186, List of S-21 Prisoners, p. 08.
- <sup>462</sup> Case File No. 004-D6.1.12, List of S-21 Prisoners, p. 02.
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- <sup>489</sup> Case File No. 004-**D6.1.1203**, List of S-21 Prisoners, p. 04.
- <sup>490</sup> Case File No. 004-**D6.1.12**, List of S-21 Prisoners, p. 02.
- <sup>491</sup> Case File No. 004-**D1.3.25.7**, List of S-21 Prisoners, p. 01.
- <sup>492</sup> Case File No. 004-**D1.3.25.7**, List of S-21 Prisoners, p. 02.
- <sup>493</sup> Case File No. 004-**D1.3.25.7**, List of S-21 Prisoners, p. 02.
- <sup>494</sup> Case File No. 004-**D6.1.1203**, List of S-21 Prisoners, p. 04.
- <sup>495</sup> Case File No. 004-**D6.1.1203**, List of S-21 Prisoners, p. 04.
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- <sup>498</sup> Case File No. 004-**D6.1.1193**, List of S-21 Prisoners, p. 01.
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- <sup>617</sup> Case File No. 004-D1.3.11.41, Written Record of Interview of Witness **PAUCH Seng** alias Seth, by the Office of the Co-Prosecutors, preliminary investigation, 14 August 2008, p. 03. Case File No. 004-D6.1.688, Written Record of Interview of Witness **BUN Thien**, 17 August 2014, pp. 04, 10, 11. Case File No. 004-D219/358, Written Record of Interview of Witness **LUON Mâl**, 08 June 2015, p. 04. Case File No. 004-D1.3.11.18, Written Record of Interview of Witness **HAU Yan** by the Office of the Co-Prosecutors, 27 August 2005, p. 02. Case File No. 004-D1.3.11.70, Written Record of Interview of Witness **YOUS Kên** by the Office of the Co-Prosecutors, 27 August 2005, p. 01. Case File No. 004-D1.3.11.48, Written Record of Interview of Witness **SIENG Haom**, by the Office of the Co-Prosecutors, 27 August 2005, p. 01. Case File No. 004-D1.3.11.57, Written Record of Interview of Witness **UK Pên**, by the Office of the Co-Prosecutors, 27 August 2005, p. 01. Case File No. 004-D1.3.11.2, Written Record of Interview of Witness **KHLÔK Lim**, by the Office of the Co-Prosecutors, 05 August 2008, p. 03 (English version). Case File No. 004-D1.3.11.56, Written Record of Interview of Witness **TUN Suon**, by the Office of the Co-Prosecutors, 15 August 2008, p. 04.
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- <sup>624</sup> Case File No. 004-D118/152, Written Record of Interview of Witness **POK Touch**, 26 November 2013, p. 04, 05.
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- <sup>626</sup> Case File No. 004-D65.1.55, Written Record of Interview of Witness **TIM Phuon** (YIM Tith's nephew), 22 January 2011, p. 14.
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- <sup>635</sup> Case File No. 004-D118/92, Written Record of Interview of Witness NOP Nan, 31 August 2013, p. 05.
- <sup>636</sup> Case File No. 004-D118/79, Written Record of Interview of Witness PECH Chim, 26 June 2013, p. 05.
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- <sup>638</sup> Case File No. 004-D219/853, Written Record of Interview of Witness CHĂN Vichet 25 October 2016, p. 11.
- <sup>639</sup> Case File No. 004-D119.9, ICIJ Memorandum concerning Extension of Rogatory Letter [D119] dated 03 December 2012.
- <sup>640</sup> Case File No. 004-D6.1.840, Written Record of Interview of Witness **POL Nhân**, 31 August 2009, p. 03.
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- <sup>642</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04.
- Case File No. 004-D118/68, Written Record of Interview of Witness **MÈN Ret**, 29 May 2013, p. 04.
- Case File No. 004-D6.1.688, Written Record of Interview of Witness **BUN Thien**, 17 August 2009, p. 09. Case File No. 004-D118/171, Written Record of Interview of Witness **KHIEV Neou**, 23 January 2014, p. 11. Case File No. 004-D118/152, Written Record of Interview of Witness **POK Touch**, 25 November 2013, pp. 04-07. Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 05. Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 26 August 2009, p. 03. Case File No. 004-D118/204, Written Record of Interview of Witness **MUT Mào**, 11 March 2014, pp. 08-09. Case File No. 004-D118/275, Written Record of Interview of Witness **BUN Thoeun**, 16 July 2014, p. 08. Case File No. 004-D6.1.648, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 05. Case File No. 004-D118/242, Written Record of Interview of Witness **KHOEM Boeun**, 21 May 2014, pp. 09-10. Case File No. 004-D6.1.692, Written Record of Interview of Witness **PHĂN Chhên**, 08 December 2009, pp. 03-04. Case File No. 004-D6.1.782, Written Record of Interview of Witness **IEP Duch**, 30 October 2007, p. 03. Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vēt**, 01 September 2015, p. 08. Case File No. 004-D219/228, Written Record of Interview of Witness **NUT Neou**, 17 March 2015, p. 03.
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- Case File No. 004-D6.1.782, Written Record of Interview of Witness **IEP Duch**, 30 October 2007, p. 03.
- Case File No. 004-D219/34, Written Record of Interview of Witness **UL Hoeun**, 13 October 2014, p. 04.
- Case File No. 004-D118/274, Written Record of Interview of Witness **BUN Thoeun**, 10 July 2014, p. 05.
- <sup>645</sup> Case File No. 004-D6.1.782, Written Record of Interview of Witness **IEP Duch**, 30 October 2007, p. 03.
- <sup>646</sup> Case File No. 004-D118/274, Written Record of Interview of Witness **BUN Thoeun**, 10 July 2014, p. 05.
- Case File No. 004-D6.1.648, Written Record of Interview of Witness **UK Phorn**, 21 August 2009, p. 05.

- Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 04.  
 Case File No. 004-D6.1.782, Written Record of Interview of Witness **IEP Duch**, 30 October 2007, p. 03.  
 Case File No. 004-D118/171, Written Record of Interview of Witness **KHIEV Neou**, 23 January 2014, p. 11.
- <sup>647</sup> Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vět**, 01 September 2015, p. 09.
- <sup>648</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 03.  
 Case File No. 004-D118/92, Written Record of Interview of Witness **NOP Nan**, 31 August 2013, p. 05.  
 Case File No. 004-D118/259, Written Record of Interview of Witness **PECH Chim**, 19 June 2014, p. 21.
- <sup>649</sup> Case File No. 004-D118/208, Written Record of Interview of Witness **UL Hoeun**, 04 March 2014, p. 10.  
 Case File No. 004-D219/636, Written Record of Interview of Witness **KHOEM Vai**, 21 December 2015, p. 11.
- <sup>650</sup> Case File No. 004-D118/208, Written Record of Interview of Witness **UL Hoeun**, 04 March 2014, p. 10.
- <sup>651</sup> Case File No. 004-D118/208, Written Record of Interview of Witness **UL Hoeun**, 04 March 2014, pp. 11-12.
- <sup>652</sup> Case File No. 004-D118/62, Written Record of Interview of Witness **POL Nhân**, 23 May 2013, p. 03.  
 Case File No. 004-D118/79, Written Record of Interview of Witness **PECH Chim**, 26 June 2013, p. 03.  
 Case File No. 004-D119/84, Written Record of Interview of Witness **MOENG Vět**, 11 February 2014, p. 07.  
 Case File No. 004-D118/208, Written Record of Interview of Witness **UL Hoeun**, 04 March 2014, p. 08.  
 Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, pp. 05-07-08.  
 Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 26 August 2009, p. 03.  
 Case File No. 004-D6.1.692, Written Record of Interview of Witness **PHÂN Chhēn**, 08 December 2009, pp. 03-04.  
 Case File No. 004-D219/488, Written Record of Interview of Witness **PECH Chim**, 01 September 2015, p. 08.
- <sup>653</sup> Case File No. 004-D219/636, Written Record of Interview of Witness **KHOEM Vai**, 21 December 2015, p. 11.
- <sup>654</sup> Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 26 August 2009, p. 03.
- <sup>655</sup> Case File No. 004-D219/34, Written Record of Interview of Witness **UL Hoeun**, 13 October 2014, p. 04.  
 Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 26 August 2009, p. 03.
- <sup>656</sup> Case File No. 004-D219/34, Written Record of Interview of Witness **UL Hoeun**, 13 October 2014, p. 04.  
 Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vět**, 01 September 2015, p. 08.
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 Case File No. 004-D118/78, Written Record of Interview of Witness **ÂN Sopheap**, 25 June 2013, p. 03.  
 Case File No. 004-D123/1/5.1, DC-Cam Document "Interview with **IM Chem**", 06 April 2012, p. 29.
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 Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vět**, 01 September 2015, p. 08.
- <sup>659</sup> Case File No. 004-D118/242, Written Record of Interview of Witness **KHOEM Boeun**, 21 May 2014, p. 11.
- <sup>660</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 02.
- <sup>661</sup> Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vět**, 01 September 2015, p. 08.
- <sup>662</sup> Case File No. 004-D219/34, Written Record of Interview of Witness **UL Hoeun**, 13 October 2014, p. 04.
- <sup>663</sup> Case File No. 004-D6.1.648, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 05.
- <sup>664</sup> Case File No. 004-D119/83, Written Record of Interview of Witness **MOENG Vět**, 10 February 2014, p. 09.  
 Case File No. 004-D119/108, Written Record of Interview of Witness **SOKH Rom**, 19 March 2014, p. 09.  
 Case File No. 004-D118/274, Written Record of Interview of Witness **ÂN Sopheap**, 10 July 2014, pp. 08-12.  
 Case File No. 004-D118/242, Written Record of Interview of Witness **KHOEM Boeun**, 21 May 2014, p. 14.
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- <sup>669</sup> Case File No. 004-D118/259, Written Record of Interview of Witness **PECH Chim**, 19 June 2014, p. 10. Case File No. 004-D118/151, Written Record of Interview of Witness **KHIEV Neou**, 23 November 2013, p. 03. Case File No. 004-D118/274, Written Record of Interview of Witness **BUN Thooun**, 10 July 2014, p. 12. Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 03-04.
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- <sup>671</sup> Case File No. 004-D118/34, Written Record of Interview of Witness **NUT Neou**, 11 April 2013, p. 03.
- <sup>672</sup> Case File No. 004-D6.1.651, Written Record of Interview of Witness **PECH Chim**, 26 August 2009, p. 02.
- <sup>673</sup> Case File No. 004-D118/259, Written Record of Interview of Witness **PECH Chim**, 19 June 2014, p. 09.
- <sup>674</sup> Case File No. 004-D6.1.648, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 06. Case File No. 004-D118/79, Written Record of Interview of Witness **PECH Chim**, 26 June 2013, p. 03.
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- <sup>676</sup> Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 04.
- <sup>677</sup> Case File No. 004-D118/208, Written Record of Interview of Witness **UL Hoeun**, 04 March 2014, p. 10.
- <sup>678</sup> Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 04.
- <sup>679</sup> Case File No. 004-D118/152, Written Record of Interview of Witness **POK Touch**, 25 November 2013, p. 06.
- <sup>680</sup> Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 07.
- <sup>681</sup> Case File No. 004-D118/153, Written Record of Interview of Witness **LONG Von**, 26 November 2013, p. 05. Case File No. 004-D6.1.650, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 04. Case File No. 004-D118/274, Written Record of Interview of Witness **BUN Thooun**, 10 July 2014, p. 05.
- <sup>682</sup> Case File No. 004-D65.1.55, DC-Cam document: Interview with **TIM Phoun**, 22 January 2011. p. 07.
- <sup>683</sup> Case File No. 004-D118/46, Written Record of Interview of Witness **PUOCH Sēng**, 24 April 2013, p. 02.
- <sup>684</sup> Case File No. 004-D65.1.55, DC-Cam document: Interview with **TIM Phoun**, 22 January 2011. p. 07.
- <sup>685</sup> Case File No. 004-D118/20, Written Record of Interview of Witness **TIM Phoun**, 19 February 2013, p. 04.

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- <sup>687</sup> Case File No. 004-**D118/163** Written Record of Interview of Civil Party Applicant **PRUM Saroeun**, 03 December 2013, p. 06. Case File No. 004-**D118/203**, Written Record of Interview of Witness **DIK Pét**, 17 March 2014, p. 03.
- <sup>688</sup> Case File No. 004-**D6.1.648**, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 05.
- <sup>689</sup> Case File No. 004-**D118/23**, Written Record of Interview of Witness **TOEM Phàl**, 20 February 2013, p. 03.
- <sup>690</sup> Case File No. 004-**D118/23**, Written Record of Interview of Witness **TOEM Phàl**, 20 February 2013, p. 03.
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- <sup>694</sup> Case File No. 004-**D118/46**, Written Record of Interview of Witness **PUOCH Sēng**, 24 April 2013, p. 03.
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- <sup>696</sup> Case File No. 004-**D118/302**, Written Record of Interview of Witness **PANN Sarou**, 02 September 2014, p. 07.
- <sup>697</sup> Case File No. 004-**D219/488**, Written Record of Interview of Witness **MOENG Vēt**, 01 September 2015, p. 21.
- <sup>698</sup> Case File No. 004-**D219/521**, Written Record of Interview of Witness **TOEP Phi**, 14 September 2015, p. 05.
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530.

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- <sup>701</sup> Case File No. 004-D118/22, Written Record of Interview of Witness TUN Soun, 20 February 2013, pp. 04-05.
- <sup>702</sup> Case File No. 004-D118/48, Written Record of Interview of Witness HĒNG Brel, 25 April 2013, p. 06.
- <sup>703</sup> Case File No. 004-D118/22, Written Record of Interview of Witness TUN Soun, 20 February 2013, pp. 02-03.
- <sup>704</sup> Case File No. 004-D219/488, Written Record of Interview of Witness MOENG Vēt, 01 September 2015, p. 08.
- <sup>705</sup> Case File No. 004-D219/121, Written Record of Interview of Witness LIM Ngēn, 11 December 2014, p. 06. Case File No. 004-D118/259, Written Record of Interview of Witness PECH Chim, 19 June 2014, p. 21. Case File No. 004-D118/274, Written Record of Interview of Witness BUN Thoeun, 10 July 2014, p. 12. Case File No. 004-D219/228, Written Record of Interview of Witness NUT Neou, 17 March 2015, p. 03.
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<sup>783</sup> Case File No. 004-D6.1.788, Written Record of Interview of Witness NEANG Dam, 01 November 2007, p. 02-03. Case File No. 004-D6.1.1000, Written Record of Interview of Witness **VĂN Sorn** alias VĂN Soeun, 29 November 2007, p. 03. Case File No. 004-D6.1.709, Written Record of Interview of Witness SREI Thăn alias Duch, 29 December 2009, p. 02. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 06.

<sup>784</sup> Case File No. 004-D118/133, Written Record of Interview of Witness **SÂY Sèn**, 31 October 2013, pp. 04, 08. Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, pp. 06, 10. Case File No. 004-D6.1.690, Written Record of Interview of Witness **PECH Chim**, 06 December 2009, p. 07. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 08. Case File No. 004-D6.1.778, Written Record of Interview of Witness KÈV Chândara alias Krou Yav, 29 October 2007, p. 05. Case File No. 004-D6.1.1089, Written Record of Interview of Witness KÈV Chândara alias SOKH Sav, 12 March 2008, p. 03. Case File No. 004-D6.1.779, Written Record of Interview of Witness KEO Mao alias SAO Sari, 29 October 2007, p. 04. Case File No. 004-D6.1.652, Written Record of Interview of Witness PECH Chim, 27 August 2009, p. 04. Case File No. 004-D6.1.653, Written Record of Interview of Witness PECH Chim, 28 August 2009, pp. 03-04.

<sup>785</sup> Case File No. 004-D118/133, Written Record of Interview of Witness **SÂY Sèn**, 31 October 2013, p. 07. Case File No. 004-D118/134, Written Record of Interview of Witness SREI Thăn alias Duch, 31 October 2013, p. 04. Case File No. 004-D118/166, Written Record of Interview of Witness TIM Hi, 06 December 2013, p. 08. Case File No. 004-D118/167, Written Record of Interview of Witness VĂN Soeun alias VĂN Săn, 18 December 2013, p. 07. Case File No. 004-D118/181, Written Record of Interview of Witness RIEL Săn, 18 February 2014, p. 14. Case File No. 004-D118/242, Written Record of Interview of Witness **KHOEM Boeun** alias Yeay Boeun, 21 May 2014, p. 28. Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, pp. 08-09. Case File No. 004-D6.1.782, Written Record of Interview of Witness IEP Duch, 30 October 2007, p. 05. Case File No. 004-D6.1.788, Written Record of Interview of Witness NEANG Dam, 01 November 2007, p. 03. Case File No. 004-D6.1.709, Written Record of Interview of Witness SREI Thăn alias Duch, 29 December 2009, p. 03. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 08. Case File No. 004-D6.1.690, Written Record of Interview of Witness **PECH Chim**, 06 December 2009, p. 07. Case File No. 004-D6.1.695, Written Record of Interview of Witness **PHĂN Chhên**, 09 December 2009, p. 09. Case File No. 004-D219/135, Written Record of Interview of Witness YÏN Têng, 29 December 2014, pp. 15-16, 20.

<sup>786</sup> Case File No. 004-D118/133, Written Record of Interview of Witness **SÂY Sèn**, 31 October 2013, p. 07. Case File No. 004-D118/134, Written Record of Interview of Witness SREI Thăn alias Duch, 31 October 2013, p. 04. Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, p. 08. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 08, 14.

<sup>787</sup> Case File No. 004-D6.1.784, Written Record of Interview of Witness MEAS Sokha alias Thlang, 31 October 2007, p. 09. Case File No. 004-D6.1.1000, Written Record of Interview of Witness **VĂN Sorn** alias VĂN Soeun, 29 November 2007, p. 03.

<sup>788</sup> Case File No. 004-D6.1.784, Written Record of Interview of Witness MEAS Sokha alias Thlang, 31 October 2007, p. 09. Case File No. 004-D6.1.1000, Written Record of Interview of Witness VĂN Soan

alias VĂN Soeun, 29 November 2007, p. 04. Case File No. 004-D6.1.119, Written Record of Interview of Witness SĂY Sèn, 01 September 2008, p. 07.

<sup>789</sup> Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, pp. 08-09. Case File No. 004-D6.1.1000, Written Record of Interview of Witness VĂN Sorn alias VĂN Soeun, 29 November 2007, pp. 03-04.

<sup>790</sup> Case File No. 004-D118/276, Written Record of Interview of Witness UK Him, 14 July 2014, p. 15. Case File No. 004-D6.1.778, Written Record of Interview of Witness KĒV Chăndara alias Krou Yav, 29 October 2007, p. 05.

<sup>791</sup> Case File No. 004-D6.1.119, Written Record of Interview of Witness SĂY Sèn, 01 September 2008, p. 13. Case File No. 004-D6.1.778, Written Record of Interview of Witness KĒV Chăndara alias Krou Yav, 29 October 2007, p. 05.

<sup>792</sup> Case File No. 004-D6.1.217, Extract of confessions from Kraing Ta Chan Security Office.

<sup>793</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 14-15.

<sup>794</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 15, 31. Case File No. 004-D219/525, Written Record of Interview of Witness YAOK Pĕt, 18 September 2015, p. 08.

<sup>795</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SĂY Sèn, 31 October 2013, pp. 11-12.

<sup>796</sup> Case File No. 004-D6.1.217, Report on prisoners' confession. Case File No. 004-D6.1.282, Report to Angkar about ATT Phuong (Note on the arrest of Khmer Krom families and sent them to Kraing Ta Chan). Case File No. 004-D6.1.260, Report to *Angkar* about people with army rank and Kampuchea Krom people, p. 01. Case File No. 004-D6.1.255, Report to District 105 about Female Comrade THAN Ni, 04 May 1977. Case File No. 004-D6.1.262, Report on situation of Yuon coming to stay in Tram Kak District, 05 June 1977, p. 01. Case File No. 004-D6.1.203, Report about three arrested people, 07 March 1978 (It describes the arrest of thee Khmer Krom, with agreement from the district office). Case File No. 004-D6.1.207, Report submitted for approval from Tram Kak District to arrest a person called KĂP Thmei, from 109, 08 July 1978. Case File No. 004-D6.1.209, Report to District 109 police about the enemy, 27 July 1978. Case File No. 004-D118/133, Written Record of Interview of Witness SĂY Sèn, 31 October 2013, p. 11.

<sup>797</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 11-12.

<sup>798</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 53-54.

<sup>799</sup> Case File No. 004-D118/134, Written Record of Interview of Witness SREI Thăn alias Duch, 31 October 2013, p. 05.

<sup>800</sup> Case File No. 004-D118/181, Written Record of Interview of Witness RIEL Săn, 18 February 2014, p. 06-07.

<sup>801</sup> Case File No. 004-D6.1.119, Written Record of Interview of Witness SĂY Sèn, 01 September 2008, p. 11. Case File No. 004-D6.1.782, Written Record of Interview of Witness IEP Duch, 30 October 2007, pp. 05-06. Case File No. 004-D6.1.686, Written Record of Interview of Witness SĂO Hean, 21 November 2009, p. 05. Case File No. 004-D6.1.688, Written Record of Interview of Witness BUN Thien, 17 August 2009, pp. 05-06. Case File No. 004-D6.1.652, Written Record of Interview of Witness PECH Chim, 27 August 2009, p. 05. Case File No. 004-D6.1.692, Written Record of Interview of Witness PHĂN Chhĕn, 28 December 2009, p. 10. Case File No. 004-D6.1.780, Written Record of Interview of Witness SEANG Soeun, 29 October 2007, p. 05. Case File No. 004-D6.1.778, Written Record of Interview of Witness KĒV Chăndara alias Krou Yav, 29 October 2007, p. 05.

<sup>802</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 27.

<sup>803</sup> Case File No. 004-D118/242, Written Record of Interview of Witness KHOEM Boeun alias Yeay Boeun, 21 May 2014, p. 30. Case File No. 004-D6.1.783, Written Record of Interview of Witness HUN Kimsĕng alias Yeay Nha, 31 October 2007, p. 02. Case File No. 004-D6.1.784, Written Record of Interview of Witness MEAS Sokha alias Thlang, 31 October 2007, p. 05. Case File No. 004-D6.1.999,

Written Record of Interview of Witness LIM Hach, 29 November 2007, p. 03. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 03.

<sup>804</sup> Case File No. 004-D6.1.778, Written Record of Interview of Witness KĒV Chândara, 29 October 2007, p. 03.

<sup>805</sup> Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, p. 11. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, p. 13. Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 32.

<sup>806</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 12-13.

<sup>807</sup> Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September 2008, pp. 13-14.

<sup>808</sup> Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yĕm, 09 September 2014, p. 08.

<sup>809</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 04.

<sup>810</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 15, 17.

<sup>811</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 31. Case File No. 004-D118/181, Written Record of Interview of Witness RIEL Săn, 18 February 2014, p. 14.

<sup>812</sup> Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, p. 10.

<sup>813</sup> Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yĕm, 09 September 2014, p. 06.

<sup>814</sup> Case File No. 004-D118/181, Written Record of Interview of Witness RIEL Săn, 18 February 2014, p. 14. Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, p. 11.

<sup>815</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 51.

<sup>816</sup> Case File No. 004-D6.1.217, Extract of confessions from Kraing Ta Chan Security Office. Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, pp. 33-34.

<sup>817</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SÂY Sèn, 31 October 2013, p. 08. Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yĕm, 09 September 2014, p. 07.

<sup>818</sup> Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yĕm, 09 September 2014, pp. 07-08.

<sup>819</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 33.

<sup>820</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SÂY Sèn, 31 October 2013, pp. 13-14.

<sup>821</sup> Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yĕm, 09 September 2014, p. 06.

<sup>822</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tĕng, 29 December 2014, p. 17, 19.

<sup>823</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SÂY Sèn, 31 October 2013, p. 11.

<sup>824</sup> Case File No. 004-D219/522, Written Record of Interview of Witness HUN Kimsĕng, 15 September 2015, p. 06.

<sup>825</sup> Case File No. 004-D118/134, Written Record of Interview of Witness SREI Thăn alias Duch, 31 October 2013, p. 05.

<sup>826</sup> Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Săng, 25 November 2013, p. 13. Case File No. 004-D6.1.119, Written Record of Interview of Witness SÂY Sèn, 01 September

2008, p. 14. Case File No. 004-D118/167, Written Record of Interview of Witness VÃN Soeun alias VÃN Sãn, 18 December 2013, p. 09.

<sup>827</sup> Case File No. 004-D6.1.782, Written Record of Interview of Witness IEP Duch, 30 October 2007, p. 07.

<sup>828</sup> Case File No. 004-D6.1.1212, Report: With Respect to local Party of Tram Kak District, 17 February 1977. Case File No. 004-D6.1.1215, Report: With respect beloved Angkar of Tram Kak District, 05 March 1977. Case File No. 004-D6.1.1217, Report: With Respect to Angkar of Tram Kak District, 06 May 1977. Case File No. 004-D6.1.1219, Report: With respect beloved Angkar, District, 26 May 1977.

<sup>828</sup> Case File No. 004-D6.1.1223, Report to the respected Party on situation of Tram Kak District, 11 September 1977. Case File No. 004-D6.1.1221, Report to the respected Party of Tram Kak District, 06 December 1977. Case File No. 004-D6.1.1225, Report: With Respect to Angkar of Tram Kak District, 09 October 1977. <sup>828</sup> Case File No. 004-D6.1.1227, Report: With Respect to Local Party of Tram Kak District, 10 February 1978. Case File No. 004-D6.1.209, Report to District 109 police about the enemy, 27 July 1978. Case File No. 004-D6.1.234, Report to the respected Party on situation of Tram Kak District, 02 January 1977. Case File No. 004-D6.1.240, Report to the respected Party of Tram Kak District, 02 August 1977. Case File No. 004-D6.1.255, Report: With respect beloved Angkar, District, 04 May 1977. Case File No. 004-D6.1.257, Report: With respect beloved Angkar of Tram Kak District, 24 July 1977. Case File No. 004-D6.1.262, Report to the respected Party on situation of Tram Kak District, 08 June 1977. Case File No. 004-D6.1.279, Report about KING Hin and HI Di, 06 September 1977. Case File No. 004-D6.1.280, Case File No. 004-D6.1.287, Report: With respect to beloved Tram Kak District, 22 September 1977. Case File No. 004-D6.1.295, Report: With respect beloved Angkar of Tram Kak District, 18 October 1977, pp. 05, 08, 10-13, 15, 16. Case File No. 004-D6.1.296, Report to the respected Party on situation of Tram Kak District, 27 October 1977. Case File No. 004-D6.1.299, Report: With respect beloved Angkar of Tram Kak District, 02 November 1977. Case File No. 004-D6.1.301, Report: With respect beloved Angkar of Tram Kak District, 19 July 1977. Case File No. 004-D6.1.306, Report: With respect beloved Angkar of Tram Kak District, 28 July 1977, p. 07. Case File No. 004-D118/242, Written Record of Interview of Witness KHOEM Boeun alias Yeay Boeun, 21 May 2014, p. 22, 24, 34.

<sup>829</sup> Case File No. 004-D6.1.203, Report: With respect beloved Angkar of Tram Kak District, 01 March 1978. Case File No. 004-D6.1.204, Report on the enemy situation, 07 April 1978. Case File No. 004-D6.1.207, Report to Tram Kak District Party on the request to arrest 'new' youth called Kãp, from District 109, 08 July 1978. Case File No. 004-D6.1.253, Report to District 105 Education Office for information, 29 April 1977. Case File No. 004-D6.1.260, Report on enemy situation, 14 May 1977, pp. 03, 19. Case File No. 004-D6.1.265, Report to the respected and beloved Tram Kak District police for information, 18 June 1977. Case File No. 004-D6.1.278, Report to Comrade Ann, Police Office, 11 June 1977. Case File No. 004-D6.1.290, Report to the Comrade Ann, 29 September 1977. Case File No. 004-D6.1.295, Report to respected and beloved Comrade Ann, 14 October 1977, p. 01. Case File No. 004-D6.1.301, Report to respected Comrade Ann, 07 December 1977. Case File No. 004-D6.1.302, Report to respected and beloved Comrade Ann, 13 December 1977. Case File No. 004-D6.1.306, Report to respected and beloved Comrade Ann, 03 January 1978, pp. 01-05. Case File No. 004-D6.1.307, Report on the transfer of people to the District 105 Education Office, 16 January 1978. Case File No. 004-D6.1.1211, Report to the respected and beloved Tram Kak District Education Office for information, 09 January 1977. Case File No. 004-D6.1.1215, Report to respected and beloved Comrade Ann, police of Tram Kak District, 04 March 1977, p. 08. Case File No. 004-D6.1.1218, Report to respected and beloved Comrade Ann, police of Tram Kak District police, for information, 07 July 1977. Case File No. 004-D6.1.1227, Report to respected and beloved Comrade for information, 02 February 1978, pp. 11-13.

<sup>830</sup> Case File No. 004-D6.1.653, Written Record of Interview of Witness **PECH Chim**, 28 August 2009, p. 02. Case File No. 004-D6.1.695, Written Record of Interview of Witness **PHÃN Chhãn**, 09 December 2009, p. 04-05.

<sup>831</sup> Case File No. 004-D6.1.260, Report on enemy situation, 14 May 1977, pp. 21, 27. Case File No. 004-D6.1.263, Report on the enemy situation: action against the collectivism regime of Angkar in Srae Ronorng, 07 June 1977. Case File No. 004-D6.1.279, Report about KING Hin and HI Di, 06 September 1977, p. 04. Case File No. 004-D6.1.300, Report: With Respect to beloved comrade brother for information, 17 December 1977, p. 01. Case File No. -D6.1.251, Report on action of MAU Phon in

Nhaeng Nhang District, 28 April 1977, p. 02. Case File No. 004-D6.1.295, Report to district party for information, 13 October 1977, pp. 09, 14. Case File No. 004-D6.1.299, Report on situation of people in District 109 in Srae Ronomng Commune, 02 November 1977, p. 02. Case File No. 004-D6.1.225, Verification made by SOEU An and NEOU Ngea, no date. Case File No. 004-D6.1.782, Written Record of Interview of Witness IEP Duch, 30 October 2007, p. 08. Case File No. 004-D6.1.652, Written Record of Interview of Witness PECH Chim, 27 August 2009, p. 02. Case File No. 004-D6.1.653, Written Record of Interview of Witness PECH Chim, 28 August 2009, p. 03-04. Case File No. 004-D6.1.695, Written Record of Interview of Witness **PHÂN Chhēn**, 09 December 2009, p. 06. Case File No. 004-D6.1.1227, Report to district education office about enemy situation, 06 February 1978, pp. 05-06.

<sup>832</sup> Case File No. 004-D6.1.1200, Report by District 105 Education Office to the Party about the prison's confession, 30 July 1977. Case File No. 004-D6.1.1221, Report to the respected Party of Tram Kak District, 06 December 1977, p. 02. Case File No. 004-D6.1.1227, Report to respected Angkar, 04 February 1978, p. 10. Case File No. 004-D347, Report by District 7 Education Office to the Party about the prison's confession, 30 July 1977. Case File No. 004-D6.1.211, Report on prisoner's confession, 25 September 1978. Case File No. 004-D6.1.229, Report on prisoner's confession, 04 August 1976. Case File No. 004-D6.1.237, Report to the Party about prisoner's confession, 07 March 1977. Case File No. 004-D6.1.238, Report by District 105 Education Office to the Party about the prison's confession, 10 March 1977. Case File No. 004-D6.1.273, Report on prisoner's confession, 26 August 1977. Case File No. 004-D6.1.276, Report on confession a traitor called Tri, in Ta Phem Commune, 02 September 1977. Case File No. 004-D6.1.782, Written Record of Interview of Witness IEP Duch, 30 October 2007, p. 04. Case File No. 004-D6.1.652, Written Record of Interview of Witness PECH Chim, 27 August 2009, p. 03.

<sup>833</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tēng, 29 December 2014, p. 39-41.

<sup>834</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SĀY Sèn, 31 October 2013, p. 07.

<sup>835</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SĀY Sèn, 31 October 2013, p. 11. Case File No. 004-D6.1.119, Written Record of Interview of Witness SĀY Sèn, 01 September 2008, p. 13.

<sup>836</sup> Case File No. 004-D219/2, Written Record of Interview of Civil Party Applicant SĒT Yēm, 09 September 2014, p. 08-09. Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Sāng, 25 November 2013, p. 11.

<sup>837</sup> Case File No. 004-D6.1.709, Written Record of Interview of Witness SREI Thān alias Duch, 29 December 2009, p. 11.

<sup>838</sup> Case File No. 004-D219/135, Written Record of Interview of Witness YĪN Tēng, 29 December 2014, pp. 36-38.

<sup>839</sup> Case File No. 004-D118/133, Written Record of Interview of Witness SĀY Sèn, 31 October 2013, p. 06. Case File No. 004-D6.1.119, Written Record of Interview of Witness SĀY Sèn, 01 September 2008, pp. 07, 14. Case File No. 004-D6.1.1089, Written Record of Interview of Witness KĒV Chāndara alias SOKH Yav, 12 March 2008, p. 04. Case File No. 004-D6.1.783, Written Record of Interview of Witness HUN Kimsēng alias Yeay Nhā, 31 October 2007, p. 06.

<sup>840</sup> Case File No. 004-D134/8, Written Record of Interview of Witness SAUT Sāng, 25 November 2013, p. 13-14. Case File No. 004-D219/522, Written Record of Interview of Witness HUN Kimsēng, 15 September 2015, p. 11. Case File No. 004-D118/134, Written Record of Interview of Witness SREI Thān alias Duch, 31 October 2013, p. 08. Case File No. 004-D118/167, Written Record of Interview of Witness VĀN Soeun alias VĀN Sān, 18 December 2013, p. 14.

<sup>841</sup> Case File No. 004-D219/49, Written Record of Interview of Civil Party Applicant TOP Ngèt, 21 October 2014, p. 11. Case File No. 004-D219/449, Written Record of Interview of Civil Party Applicant YĒM Yōn, 06 August 2015, p. 04.

<sup>842</sup> Case File No. 004-D219/482, Written Record of Interview of Civil Party LACH Sèp, 28 August 2015, p. 07. Case File No. 004-D118/233, Written Record of Interview of Civil Party Applicant LACH Sèp, 09 May 2014, pp. 03, 08.

<sup>843</sup> Case File No. 004-D219/482, Written Record of Interview of Civil Party LACH Sèp, 28 August 2015, p. 08.

- <sup>844</sup> Case File No. 004-**D219/488**, Written Record of Interview of Witness **MOENG Vēt**, 01 September 2015, p. 27.
- <sup>845</sup> Case File No. 004-**D219/49** Written Record of Interview of Civil Party Applicant **TOP Ngèt**, 21 October 2014, p. 13.
- <sup>846</sup> Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant **KHIN Sau**, 26 August 2014, pp. 05, 13.
- <sup>847</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 05. Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant **KHIN Sau**, 26 August 2014, p. 09. Case File No. 004-**D219/449**, Written Record of Interview of Civil Party Applicant **YÈM Yôn**, 06 August 2015, p. 03. Case File No. 004-**D118/131**, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 04.
- <sup>848</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 06.
- <sup>849</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, pp. 04, 06, 08.
- <sup>850</sup> Case File No. 004-**D118/163**, Written Record of Interview of Civil Party Applicant **PRUM Saroeun**, 03 December 2013, p. 06.
- <sup>851</sup> Case File No. 004-**D219/49**, Written Record of Interview of Civil Party Applicant **TOP Ngèt**, 21 October 2014, p. 12.
- <sup>852</sup> Case File No. 004-**D219/488**, Written Record of Interview of Witness **MOENG Vēt**, 01 September 2015, p. 27.
- <sup>853</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 09.
- <sup>854</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 09.
- <sup>855</sup> Case File No. 004-**D219/49**, Written Record of Interview of Civil Party Applicant **TOP Ngèt**, 21 October 2014, p. 12.
- <sup>856</sup> Case File No. 004-**D219/49**, Written Record of Interview of Civil Party Applicant **TOP Ngèt**, 21 October 2014, p. 12 .
- <sup>857</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 09-10.
- <sup>858</sup> Case File No. 004-**D118/163**, Written Record of Interview of Civil Party Applicant **PRUM Saroeun**, 03 December 2013, p. 06.
- <sup>859</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 06.
- <sup>860</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 07.
- <sup>861</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 07.
- <sup>862</sup> Case File No. 004-**D219/449**, Written Record of Interview of Civil Party Applicant **YÈM Yôn**, 06 August 2015, p. 04.
- <sup>863</sup> Case File No. 004-**D219/49**, Written Record of Interview of Civil Party Applicant **TOP Ngèt**, 21 October 2014, p. 13.
- <sup>864</sup> Case File No. 004-**D5/121**, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 29 July 2009, p. 09.
- <sup>865</sup> Case File No. 004-**D118/131** Written Record of Interview of Civil Party **SĂN Touch**, 30 October 2013, pp. 10-11.
- <sup>866</sup> Case File No. 004-**D118/131** Written Record of Interview of Civil Party **SĂN Touch**, 30 October 2013, p. 10.
- <sup>867</sup> Case File No. 004-**D118/131**, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 12. Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sèm**, 09 May 2014, p. 20.
- <sup>868</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant **LACH Sâmbăt**, 26 June 2015, p. 07.

<sup>869</sup> Case File No. 004-**D5/118**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 December 2009, p. 07. Case File No. 004-**D219/628**, Written Record of Interview of Witness **KĂN Phôn**, 16 December 2015, p. 10. Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 07. Case File No. 004-**D118/129** Written Record of Interview of Civil Party Application of **MEI Sokhân**, 29 October 2013, p. 09.

<sup>870</sup> Case File No. 004-**D219/746**, Written Record of Interview of Witness **SĔ Oeun**, 05 April 2016, p. 10. Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 10.

<sup>871</sup> Case File No. 004-**D118/302**, Written Record of Interview of Witness **PANN Sarou**, 02 September 2014, p. 14. Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 08.

<sup>872</sup> Case File No. 004-**D219/379**, Written Record of Interview of Witness LACH Sâmbăt, 26 June 2015, pp. 08, 10. Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 10-11. Case File No. 004-**D118/129**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 October 2013, p. 10. Case File No. 004-**D118/233** Written Record of Interview of Civil Party **LACH Sêm**, 09 May 2014, p. 19. Case File No. 004-**D219/379** Written Record of Interview of Civil Party LACH Sâmbăt, 26 June 2015, p. 08.

<sup>873</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 08,10.

<sup>874</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 10.

<sup>875</sup> Case File No. 004-**D5/121**, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 29 July 2009, p. 09.

<sup>876</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 17.

<sup>877</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 10.

<sup>878</sup> Case File No. 004-D118/165, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 05 December 2013, p. 07. Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH Sêm**, 09 May 2014, p. 19.

<sup>879</sup> Case File No. 004-**D118/129**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 October 2013, p. 10. Case File No. 004-**D219/379**, Written Record of Interview of Witness LACH Sâmbăt, 26 June 2015, p. 11. Case File No. 004-**D219/482**, Written Record of Interview of Civil Party Applicant **LACH Sêm**, 28 August 2015, p. 05.

<sup>880</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 11-12. Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, p. 17.

<sup>881</sup> Case File No. 004-**D118/203**, Written Record of Interview of Witness DIK Pèt, 17 March 2014, p. 16. Case File No. 004-**D5/118**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 December 2009, p. 07.

<sup>882</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 11-12.

<sup>883</sup> Case File No. 004-**D118/129**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 October 2013, p. 09.

<sup>884</sup> Case File No. 004-**D5/118**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 December 2009, p. 07.

<sup>885</sup> Case File No. 004-**D219/379**, Written Record of Interview of Civil Party Applicant LACH Sâmbăt, 26 June 2015, pp. 11, 14. Case File No. 004-**D118/129**, Written Record of Interview of Civil Party Applicant **MEI Sokhân**, 29 October 2013, p. 10.

<sup>886</sup> Case File No. 004-**D118/203**, Written Record of Interview of Witness DIK Pèt, 17 March 2013, p. 04. Case File No. 004-**D5/121**, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 29 July 2009, p. 08.

- <sup>887</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 05-06. Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 25.
- <sup>888</sup> Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 29.
- <sup>889</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 05-06.
- <sup>890</sup> Case File No. 004-**D219/369**, Written Record of Interview of Witness KHÈK Chàn, 19 June 2015, p. 09.
- <sup>891</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 05-06.
- <sup>892</sup> Case File No. 004-**D219/369**, Written Record of Interview of Witness KHÈK Chàn, 19 June 2015, p. 07.
- <sup>893</sup> Case File No. 004-**D219/449**, Written Record of Interview of Civil Party Applicant YÈM Yôn, 06 August 2015, p. 07.
- <sup>894</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 06-07.
- <sup>895</sup> Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 24.
- <sup>896</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 06-07.
- <sup>897</sup> Case File No. 004-**D219/482** Written Record of Interview of Civil Party Applicant LACH Sèp, 28 August 2015, p. 08.
- <sup>898</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 03-04. Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 05. Case File No. 004-**D118/131**, Written Record of Interview of Civil Party Applicant **SÂN Touch**, 30 October 2013, p. 04. Case File No. 004-**D118/203**, Written Record of Interview of Witness DIK Pèt, 17 March 2013, pp. 04-05.
- <sup>899</sup> Case File No. 004-**D118/291** Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 25.
- <sup>900</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, pp. 08-09.
- <sup>901</sup> Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, pp. 20-21. Case File No. 004-**D118/203**, Written Record of Interview of Witness DIK Pèt, 17 March 2013, pp. 07-08.
- <sup>902</sup> Case File No. 004-**D219/449** Written Record of Interview of Civil Party Applicant YÈM Yôn, 06 August 2015, p. 05. Case File No. 004-**D219/482**, Written Record of Interview of Civil Party Applicant LACH Sèp, 28 August 2015, p. 03. Case File No. 004-D65.1.28, Written Record of Interview of Civil Party Applicant SÂN Tauch, 29 July 2009, p. 08.
- <sup>903</sup> Case File No. 004-**D219/449**, Written Record of Interview of Civil Party Applicant YÈM Yôn, 06 August 2015, p. 08.
- <sup>904</sup> Case File No. 004-**D118/291**, Written Record of Interview of Civil Party Applicant KHIN Suor, 26 August 2014, p. 21.
- <sup>905</sup> Case File No. 004-**D118/203**, Written Record of Interview of Witness DIK Pèt, 17 March 2013, p. 08.
- <sup>906</sup> Case File No. 004-**D219/449** Written Record of Interview of Civil Party Applicant YÈM Yôn, 06 August 2015, p. 05.
- <sup>907</sup> Case File No. 004-**D219/482**, Written Record of Interview of Civil Party Applicant LACH Sèp, 28 August 2015, p. 08.
- <sup>908</sup> Case File No. 004-**D219/471**, Written Record of Interview of Witness **TOEM Phâl**, 21 August 2015, p. 19.
- <sup>909</sup> Case File No. 004-**D219/449**, Written Record of Interview of Civil Party Applicant YÈM Yôn, 06 August 2015, p. 05.

- <sup>910</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 12.
- <sup>911</sup> Case File No. 004-**D65.1.28**, Civil Party Application of SĂN Tauch, 29 July 2009, p. 09.
- <sup>912</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 05.
- <sup>913</sup> Case File No. 004-**D5/121** Written Record of Interview of Civil Party Applicant **SĂN Touch**, 29 July 2009, p. 09.
- <sup>914</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 07.
- <sup>915</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 07.
- <sup>916</sup> Case File No. 004-**D219/326**, Written Record of Interview of Witness HAO Y n, 22 May 2015, p. 10.
- <sup>917</sup> Case File No. 004-**D219/482**, Written Record of Interview of Civil Party Applicant LACH S p, 28 August 2015, p. 09.
- <sup>918</sup> Case File No. 004-**D118/253**, Written Record of Interview of Civil Party Applicant **KONG Samnang**, 12 June 2014, p. 05.
- <sup>919</sup> Case File No. 004-**D118/233**, Written Record of Interview of Civil Party Applicant **LACH S m**, 09 May 2014, pp. 16-17.
- <sup>920</sup> Case File No. 004-**D219/482**, Written Record of Interview of Civil Party Applicant **LACH S m**, 29 October 2013, pp. 09-10.
- <sup>921</sup> Case File No. 004-**D219/591**, Written Record of Interview of Witness S M Kun, 12 November 2015, pp. 04, 13.
- <sup>922</sup> Case File No. 004-D119/4, Written Record of Interview of Witness S M Kun, 17 December 2013, p. 05. Case File No. 004-D119/142, Written Record of Interview of Witness S M Nuon, 11 August 2014, p. 09. Case File No. 004-D219/568, Written Record of Interview of Witness **MOM Phalla**, 30 October 2015, p. 07. Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, pp. 03-04, 08. Case File No. 004-D119/82, Written Record of Interview of Witness NEANG Ouch, 28 January 2014, pp. 05, 12. Case File No. 004-D119/9, Site Identification Report, 04 December 2012, p. 03.
- <sup>923</sup> Case File No. 004-**D119/9**, Site Identification Report, 04 December 2012, p. 03.
- <sup>924</sup> Case File No. 004-**D119/9**, Site Identification Report, 04 December 2012, p. 03.
- <sup>925</sup> Case File No. 004-**D119/9**, Site Identification Report, 04 December 2012, p. 03. Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, p. 07.
- <sup>926</sup> Case File No. 004-**D119/5**, Written Record of Interview of Witness **H NG Song**, 07 December 2012, p. 06. Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, pp. 03-04, 08.
- <sup>927</sup> Case File No. 004-D119/10, Site Identification Report, 06 December 2012, p. 03. Case File No. 004-D119/4, Written Record of Interview of Witness S M Kun, 17 December 2013, p. 06.
- <sup>928</sup> Case File No. 004-**D219/591**, Written Record of Interview of Witness S M Kun, 12 November 2015, p. 10. Case File No. 004-D119/4, Written Record of Interview of Witness S M Kun, 07 December 2012, p. 06.
- <sup>929</sup> Case File No. 004-**D219/591**, Written Record of Interview of Witness S M Kun, 12 November 2015, p. 09. Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, pp. 07-08. Case File No. 004-D119/10, Site Identification Report, 06 December 2012, p. 03. Case File No. 004-**D119/5**, Written Record of Interview of Witness **H NG Song**, 07 December 2012, p. 06.
- <sup>930</sup> Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 5 December 2012, p. 07. Case File No. 004-**D119/9**, Site Identification Report, 04 December 2012, p. 02. Case File No. 004-**D219/592**, Written Record of Interview of Witness **VORNG Nop**, 12 November 2015, p. 15.
- <sup>931</sup> Case File No. 004-**D119/2**, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, pp. 06-07. Case File No. 004-**D119/5**, Written Record of Interview of Witness **H NG Song**, 07 December 2012, p. 06. Case File No. 004-D119/4, Written Record of Interview of Witness S M Kun, 17 December 2013, p. 06. Case File No. 004-**D119/5**, Written Record of Interview of Witness **H NG Song**, 07 December 2012, p. 06. Case File No. 004-**D119/7**, Written Record of Interview of Witness **MOM Phalla**, 08 December 2012, pp. 04-05. Case File No. 004-**D119/16**, Written Record of Interview of

Witness KĂO Chhēng, 28 February 2013, p. 04. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, pp. 07-08. Case File No. 004-D219/592, Written Record of Interview of Witness VORNG Nop, 12 November 2015, pp. 04, 13. Case File No. 004-D219/604, Written Record of Interview of Witness SAM Touch, 18 November 2015, p. 10. Case File No. 004-D119/18, Report of the Execution of Rogatory Letter, 01 March 2013, p. 02.

<sup>932</sup> Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 04. Case File No. 004-D119/7, Written Record of Interview of Witness MOM Phalla, 08 December 2012, pp. 04, 06.

<sup>933</sup> Case File No. 004-D119/4, Written Record of Interview of Witness SĂM Kun, 17 December 2013, p. 05. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, pp. 04, 08. Case File No. 004-D119/18, Report of the Execution of Rogatory Letter, 01 March 2013, p. 01.

<sup>934</sup> Case File No. 004-D119/4, Written Record of Interview of Witness SĂM Kun, 07 December 2012, p. 05. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, p. 08. Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 05. Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 04.

<sup>935</sup> Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 06. Case File No. 004-D219/592, Written Record of Interview of Witness VORNG Nop, 12 November 2015, pp. 09, 14.

<sup>936</sup> Case File No. 004-D219/592, Written Record of Interview of Witness VORNG Nop, 12 November 2015, p. 09.

<sup>937</sup> Case File No. 004-D119/4, Written Record of Interview of Witness SĂM Kun, 17 December 2013, p. 05. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, p. 09. Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 06.

<sup>938</sup> Case File No. 004-D119/142, Written Record of Interview of Witness SĒM Nuon, 11 August 2014, p. 09. Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 06. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, p. 14. Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 03. Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 03. Case File No. 004-D119/4, Written Record of Interview of Witness SĂM Kun, 17 December 2013, p. 05. Case File No. 004-D219/34, Written Record of Interview of Witness UL Hoeun alias ĒK Hoeun, 13 October 2014, p. 04. Case File No. 004-D119/63, Written Record of Interview of Witness BAV Nēm, 25 September 2013, p. 04. Case File No. 004-D119/142, Written Record of Interview of Witness SĒM Nuon, 11 August 2014, p. 09.

<sup>939</sup> Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 03. Case File No. 004-D219/34, Written Record of Interview of Witness UL Hoeun alias ĒK Hoeun, 13 October 2014, p. 04.

<sup>940</sup> Case File No. 004-D119/149, Written Record of Interview of Witness BUN Thoen alias BUN Thien, 26 August 2014, p. 06. Case File No. 004-D219/34, Written Record of Interview of Witness UL Hoeun alias ĒK Hoeun, 13 October 2014, p. 04. Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 03. Case File No. 004-D119/6, Written Record of Interview of Witness SAM Touch alias YEAY Nhok, 08 December 2012, p. 04. Case File No. 004-D119/4, Written Record of Interview of Witness SĂM Kun, 17 December 2013, p. 05. Case File No. 004-D219/591, Written Record of Interview of Witness SĂM Kun, 12 November 2015, p. 09.

<sup>941</sup> Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 03. Case File No. 004-D219/34, Written Record of Interview of Witness UL Hoeun alias ĒK Hoeun, 13 October 2014, pp. 04, 09.

<sup>942</sup> Case File No. 004-D119/2, Written Record of Interview of Witness VORNG Nop, 05 December 2012, p. 04.

<sup>943</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 05.

- <sup>944</sup> Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 05.
- <sup>945</sup> Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 06.
- <sup>946</sup> Case File No. 004-D119/16, Written Record of Interview of Witness KĂO Chhēng, 28 February 2013, p. 05.
- <sup>947</sup> Case File No. 004-D219/604, Written Record of Interview of Witness SAM Touch, 18 November 2015, p. 07.
- <sup>948</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 05.
- <sup>949</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 03.
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- <sup>952</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 03.
- <sup>953</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 04.
- <sup>954</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 05.
- <sup>955</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 05.
- <sup>956</sup> Case File No. 004-D119/5, Written Record of Interview of Witness HĂNG Song, 07 December 2012, p. 05.
- <sup>957</sup> Case File No. 004-D119/9, Site Identification Report, 04 December 2012, p. 03.
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December 2012, p. 06. Case File No. 004-D219/592, Written Record of Interview of Witness **VORNG Nop**, 12 November 2015, pp. 04, 06, 11-12.

<sup>968</sup> Case File No. 004-D219/592, Written Record of Interview of Witness **VORNG Nop**, 12 November 2015, p. 12.

<sup>969</sup> Case File No. 004-D219/592, Written Record of Interview of Witness **VORNG Nop**, 12 November 2015, p. 11. Case File No. 004-D119/6, Written Record of Interview of Witness **SAM Touch** alias YEAY Nhok, 08 December 2012, p. 03.

<sup>970</sup> Case File No. 004-D219/592, Written Record of Interview of Witness **VORNG Nop**, 12 November 2015, pp. 13-14.

<sup>971</sup> Case File No. 004-D119/5, Written Record of Interview of Witness **HÀNG Song**, 07 December 2012, p. 06. Case File No. 004-D119/42, Written Record of Interview of Witness KRET Ret, 20 May 2013, p. 05.

<sup>972</sup> Case File No. 004-D119/7, Written Record of Interview of Witness **MOM Phalla**, 08 December 2012, p. 05. Case File No. 004-D219/568, Written Record of Interview of Witness **MOM Phalla**, 30 October 2015, pp. 11-12.

<sup>973</sup> Case File No. 004-D119/2, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, p. 07. Case File No. 004-D119/6, Written Record of Interview of Witness **SAM Touch** alias YEAY Nhok, 08 December 2012, p. 03. Case File No. 004-D119/7, Written Record of Interview of Witness **MOM Phalla**, 08 December 2012, p. 04.

<sup>974</sup> Case File No. 004-D119/2, Written Record of Interview of Witness **VORNG Nop**, 05 December 2012, p. 07.

<sup>975</sup> Case File No. 004-D119/7, Written Record of Interview of Witness **MOM Phalla**, 08 December 2012, p. 04.

<sup>976</sup> Case File No. 004-D118/37, Site Identification Report, 10 March 2013, p. 01. Case File No. 004-D219/547, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 06. Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 04.

<sup>977</sup> Case File No. 004-D219/547, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 05.

<sup>978</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2014, p. 04.

<sup>979</sup> Case File No. 004-D118/4, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 06. Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08.

<sup>980</sup> Case File No. 004-D118/4, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, pp. 06, 08. Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08.

<sup>981</sup> Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 04. Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 03.

<sup>982</sup> Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, pp. 03-04.

<sup>983</sup> Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 06. Case File No. 004-D118/294, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 03. Case File No. 004-D219/763, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, p. 12. Case File No. 004-D219/547, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 06.

<sup>984</sup> Case File No. 004-D118/37, Site Identification Report, 10 March 2013, p. 08. Case File No. 004-D219/624, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, pp. 03-04.

<sup>985</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2014, p. 04. Case File No. 004-D118/294, Written Record of Interview of Interview of Witness **LAY Eng**, 22 August 2014, p. 03. Case File No. 004-D118/5, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 06. Case File No. 004-D219/624, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 04.

- <sup>986</sup> **Case File No. 004-D118/6**, Written Record of Interview of Witness **LAY Eng**, 14 January 2014, p. 05. **Case File No. 004-D118/3**, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 04. **Case File No. 004-D219/513**, Written Record of Interview of Witness **SIEN Sim**, 14 September 2015, p. 06.
- <sup>987</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 06.
- <sup>988</sup> **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, pp. 03-04.
- <sup>989</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, pp. 04-05. **Case File No. 004-D219/984**, Written Record of Interview of Witness **SĂO Choap**, 04 May 2017, pp. 05-06. **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 08.
- <sup>990</sup> **Case File No. 004-D219/763**, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, p. 12.
- <sup>991</sup> **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, pp. 03-04.
- <sup>992</sup> **Case File No. 004-D219/763**, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, p. 06.
- <sup>993</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 05 . **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 04.
- <sup>994</sup> **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, pp. 03-04,07. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 05.
- <sup>995</sup> **Case File No. 004-D219/763**, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, p. 13.
- <sup>996</sup> **Case File No. 004-D219/313**, Written Record of Interview of Witness **SĒK Chôt**, 14 May 2015, pp. 04-05 .
- <sup>997</sup> **Case File No. 004-D118/3**, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 05.
- <sup>998</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 05. **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08. **Case File No. 004-D118/6**, Written Record of Interview of Witness **LAY Eng**, 14 January 2014, p. 06. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, pp. 04, 06.
- <sup>999</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 05. **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08. **Case File No. 004-D219/513**, Written Record of Interview of Witness **SIEN Sim**, 14 September 2015, pp. 04, 09. **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 07. **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 04. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, pp. 04-05.
- <sup>1000</sup> **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 05.
- <sup>1001</sup> **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, pp. 03-04.
- <sup>1002</sup> **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 04.
- <sup>1003</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, pp. 05-07.
- <sup>1004</sup> **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 04.

- <sup>1005</sup> **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 04. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 04.
- <sup>1006</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 06.
- <sup>1007</sup> **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 06.
- <sup>1008</sup> **Case File No. 004-D219/513**, Written Record of Interview of Witness **SIEN Sim**, 14 September 2015, pp. 08-09.
- <sup>1009</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, pp. 05-06.
- <sup>1010</sup> **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 08.
- <sup>1011</sup> **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 07.
- <sup>1012</sup> **Case File No. 004-D219/624**, Written Record of Interview of Witness **BEI Poeut**, 07 December 2015, p. 06.
- <sup>1013</sup> **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 03. **Case File No. 004-D118/3**, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 05. **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 04. **Case File No. 004-D219/550**, Written Record of Interview of Witness **PEK Ēm**, 09 October 2015, pp. 06-07. **Case File No. 004-D118/4**, Written Record of Interview of Witness **KÂN Choek**, 11 January 2013, p. 06. **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, pp. 04-05. **Case File No. 004-D118/3**, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 05.
- <sup>1014</sup> **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 04.
- <sup>1015</sup> **Case File No. 004-D219/625**, Written Record of Interview of Witness **BEI Poeut**, 08 December 2015, p. 04.
- <sup>1016</sup> **Case File No. 004-D219/514**, Written Record of Interview of Witness **SIEN Sim**, 15 September 2015, p. 05. **Case File No. 004-D219/517**, Written Record of Interview of Witness **SÂY Chhoeun**, 06 October 2015, p. 20.
- <sup>1017</sup> **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 04. **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08.
- <sup>1018</sup> **Case File No. 004-D219/514**, Written Record of Interview of Witness **SIEN Sim**, 15 September 2015, p. 05.
- <sup>1019</sup> **Case File No. 004-D219/517**, Written Record of Interview of Witness **SÂY Chhoeun**, 06 October 2015, p. 20.
- <sup>1020</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, pp. 04-05,07. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, pp. 07-08.
- <sup>1021</sup> **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 08.
- <sup>1022</sup> **Case File No. 004-D219/514**, Written Record of Interview of Witness **SIEN Sim**, 15 September 2015, p. 05.
- <sup>1023</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08. **Case File No. 004-D219/514**, Written Record of Interview of Witness **SIEN Sim**, 15 September 2015, p. 05. **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 04. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 08. **Case File No. 004-D219/517**, Written Record of Interview of Witness **SÂY Chhoeun**, 06 October 2015, p. 20.
- <sup>1024</sup> **Case File No. 004-D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08. **Case File No. 004-D219/514**, Written Record of Interview of Witness **SIEN Sim**, 15 September

2015, p. 05. **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 04. **Case File No. 004-D219/547**, Written Record of Interview of Witness **CHHAN Laung**, 06 October 2015, p. 08. **Case File No. 004-D219/517**, Written Record of Interview of Witness **SÂY Chhoeun**, 06 October 2015, p. 20.

<sup>1025</sup> **Case File No. 004-D118/3**, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 06. **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Eng**, 22 August 2014, p. 04.

<sup>1026</sup> **Case File No. 004-D118/7**, Written Record of Interview of Civil Party Applicant **CHEA Chanti** alias **Ti**, 15 January 2013, p. 05. **Case File No. 004-D118/19**, Written Record of Interview of Witness **YOENG Yeap**, 14 February 2013, pp. 03-04. **Case File No. 004-D219/20**, Written Record of Interview of Civil Party Applicant **CHHUM Vănni**, 02 October 2014, p. 07. **Case File No. 004-D118/6**, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 05.

<sup>1027</sup> **Case File No. 004-D118/280**, Written Record of Interview of Civil Party Applicant **SÀNG Sây**, 27 July 2014, p. 04. **Case File No. 004-D219/14**, Written Record of Interview of Witness **KHĪN Khiem**, 17 September 2014, pp. 05, 08. **Case File No. 004-D118/7**, Written Record of Interview of Civil Party Applicant **CHEA Chanti** alias **Ti**, 15 January 2013, pp. 04, 06.

<sup>1028</sup> **Case File No. 004-D219/50**, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, pp. 07-08.

<sup>1029</sup> **Case File No. 004-D118/19**, Written Record of Interview of Witness **YOENG Yeap**, 14 February 2013, p. 05. **Case File No. 004-D219/14**, Written Record of Interview of Witness **KHĪN Khiem**, 17 September 2014, pp. 05-06. **Case File No. 004-D118/7**, Written Record of Interview of Civil Party Applicant **CHEA Chanti** alias **Ti**, 15 January 2013, p. 06.

<sup>1030</sup> **Case File No. 004-D118/210**, Written Record of Interview of Witness **HUL Peou**, 25 March 2014, p. 04.

<sup>1031</sup> **Case File No. 004-D118/286**, Civil Party Application of **KHIEV Neap**, 14 August 2014, pp. 06, 11.

<sup>1032</sup> **Case File No. 004-D219/292**, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, p. 04. **Case File No. 004-D118/210**, Written Record of Interview of Witness **HUL Peou**, 25 March 2014, p. 05.

<sup>1033</sup> **Case File No. 004-D219/292**, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, p. 04.

<sup>1034</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 04.

<sup>1035</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03.

<sup>1036</sup> **Case File No. 004-D118/277**, Written Record of Interview of Witness **SĒM Vaeng**, 17 July 2014, p. 11. **Case File No. 004-D118/212**, Written Record of Interview of Witness **MEAS Nakri**, 01 April 2014, pp. 03, 11.

<sup>1037</sup> **Case File No. 004-D118/290**, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, pp. 05-06.

<sup>1038</sup> **Case File No. 004-D118/294**, Written Record of Interview of Witness **LAY Ēng**, 22 August 2014, p. 03. **Case File No. 004-D219/11**, Written Record of Interview of Witness **PENH Nhanh**, 17 September 2014, p. 04.

<sup>1039</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03.

<sup>1040</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03.

<sup>1041</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 04.

<sup>1042</sup> **Case File No. 004-D118/19**, Written Record of Interview of Witness **YOENG Yeap**, 14 February 2013, pp. 03-04. **Case File No. 004-D118/6**, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 05. **Case File No. 004-D219/20**, Written Record of Interview of Civil Party Applicant **CHHUM Vănni**, 02 October 2014, p. 07.

<sup>1043</sup> **Case File No. 004-D219/236**, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03.

- <sup>1044</sup> Case File No. 004-D219/236, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03.
- <sup>1045</sup> Case File No. 004-D119/109, Written Record of Interview of Civil Party Applicant **SUON Lauv**, 24 March 2014, p. 06. Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 12.
- <sup>1046</sup> Case File No. 004-D118/210, Written Record of Interview of Witness **HUL Peou**, 25 March 2014, p. 04. Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, pp. 07-08. Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 04. Case File No. 004-D118/212, Written Record of Interview of Witness **MEAS Nakri**, 01 April 2014, p. 05. Case File No. 004-D219/172, Written Record of Interview of Witness **TOUCH Bunthei**, 12 February 2015, pp. 07-08. Case File No. 004-D219/236, Written Record of Interview of Witness **LEK Phiev**, 20 March 2015, p. 03. Case File No. 004-D118/277, Written Record of Interview of Witness **SÊM Vaeng**, 17 July 2014, p. 03. Case File No. 004-D219/20, Written Record of Interview of Civil Party Applicant **CHHUM Vänni**, 02 October 2014, p. 13. Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, pp. 03-04.
- <sup>1047</sup> Case File No. 004-D118/210, Written Record of Interview of Witness **HUL Peou**, 25 March 2014, p. 04. Case File No. 004-D118/212, Written Record of Interview of Witness **MEAS Nakri**, 01 April 2014, p. 05. Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 04.
- <sup>1048</sup> Case File No. 004-D118/212, Written Record of Interview of Witness **MEAS Nakri**, 01 April 2014, pp. 08-09. Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, pp. 10-11.
- <sup>1049</sup> Case File No. 004-D118/212, Written Record of Interview of Witness **MEAS Nakri**, 01 April 2014, pp. 08-09. Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, pp. 10-11.
- <sup>1050</sup> Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 06.
- <sup>1051</sup> Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, p. 10.
- <sup>1052</sup> Case File No. 004-D219/432, Written Record of Interview of Witness **THA Nâm**, 29 July 2015, p. 05.
- <sup>1053</sup> Case File No. 004-D219/432, Written Record of Interview of Witness **THA Nâm**, 29 July 2015, p. 06.
- <sup>1054</sup> Case File No. 004-D219/432, Written Record of Interview of Witness **THA Nâm**, 29 July 2015, p. 06.
- <sup>1055</sup> Case File No. 004-D219/432, Written Record of Interview of Witness **THA Nâm**, 29 July 2015, p. 07.
- <sup>1056</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, p. 08.
- <sup>1057</sup> Case File No. 004-D118/19, Written Record of Interview of Witness **YOENG Yean**, 14 February 2013, p. 04.
- <sup>1058</sup> Case File No. 004-D118/19, Written Record of Interview of Witness **YOENG Yean**, 14 February 2013, p. 04.
- <sup>1059</sup> Case File No. 004-D118/7, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, p. 06.
- <sup>1060</sup> Case File No. 004-D118/7, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, p. 06.
- <sup>1061</sup> Case File No. 004-D118/210, Written Record of Interview of Witness **HUL Peou**, 25 March 2014, p. 03.
- <sup>1062</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, pp. 10-11.
- <sup>1063</sup> Case File No. 004-D219/14, Written Record of Interview of Witness **KHĪN Khien**, 17 September 2014, p. 12 .

- <sup>1064</sup> Case File No. 004-D219/14, Written Record of Interview of Witness **KHĪN Khien**, 17 September 2014, p. 13.
- <sup>1065</sup> Case File No. 004-D219/14, Written Record of Interview of Witness **KHĪN Khien**, 17 September 2014, p. 12.
- <sup>1066</sup> Case File No. 004-D219/14, Written Record of Interview of Witness **KHĪN Khien**, 17 September 2014, p. 13.
- <sup>1067</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, p. 15.
- <sup>1068</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, p. 08.
- <sup>1069</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, pp. 14-15.
- <sup>1070</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, p. 19.
- <sup>1071</sup> Case File No. 004-D219/50, Written Record of Interview of Witness **UY Chinda**, 21 October 2014, pp. 19-20.
- <sup>1072</sup> Case File No. 004-D118/19, Written Record of Interview of Witness **YOENG Yeap**, 14 February 2013, p. 04. Case File No. 004-D118/277, Written Record of Interview of Interview of Witness **SĒM Vaeng**, 17 July 2014, p. 16. Case File No. 004-D219/11, Written Record of Interview of Interview of Witness **PENH Nanh**, 17 September 2014, p. 08. Case File No. 004-D118/208, Written Record of Interview of Interview of **UL Hoeun**, 04 March 2014, p. 09-10. Case File No. 004-D118/210, Written Record of Interview of Interview of Witness **HUL Peou**, 25 March 2014, p. 06. Case File No. 004-D219/20, Written Record of Interview of Interview of Civil Party Applicant **CHHUM Vanni**, 02 October 2014, p. 11. Case File No. 004-D118/286, Written Record of Interview of Interview of Civil Party Applicant **KHIEV Neap**, 14 August 2014, p. 11. Case File No. 004-D118/280, Written Record of Interview of Interview of Civil Party Applicant **SÀNG Sây**, 27 July 2014, p. 06.
- <sup>1073</sup> Case File No. 004-D118/280, Written Record of Interview of Interview of Civil Party Applicant **SÀNG Sây**, 27 July 2014, p. 05.
- <sup>1074</sup> Case File No. 004-D219/368, Written Record of Interview of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 04.
- <sup>1075</sup> Case File No. 004-D118/138, Written Record of Interview of Interview of Witness **TIEP Tith**, 02 November 2013, p. 04. Case File No. 004-D118/7, Written Record of Interview of Interview of Witness **NÀNG Ni**, 23 June 2013, p. 02. Case File No. 004-D219/117, Written Record of Interview of Interview of Witness **TOP Seung**, 08 December 2014, pp. 11-12. Case File No. 004-D118/295, Written Record of Interview of Interview of Witness **SUM Voout**, 23 August 2014, p. 06. Case File No. 004-D219/368, Written Record of Interview of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, pp. 03-04.
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- <sup>1080</sup> Case File No. 004-D219/85, Written Record of Interview of Interview of Witness **VY Phann**, 18 November 2014, pp. 03-04.
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September 2014, pp. 06, 08. Case File No. 004-**D219/412**, Written Record of Interview of Witness **MIECH Sovanna**, 08 July 2015, p. 14. Case File No. 004-**D118/138**, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 04.

<sup>1082</sup> Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 05.

<sup>1083</sup> Case File No. 004-**D219/85**, Written Record of Interview of Witness **VY Phann**, 18 November 2014, pp. 03-04.

<sup>1084</sup> Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, pp. 04-05.

<sup>1085</sup> Case File No. 004-**D118/136**, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 04-05.

<sup>1086</sup> Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 20-21.

<sup>1087</sup> Case File No. 004-**D219/368**, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 18.

<sup>1088</sup> Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, pp. 06-07.

<sup>1089</sup> Case File No. 004-**D118/102**, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 201, p. 26. Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 18-19.

<sup>1090</sup> Case File No. 004-**D219/272**, Site Identification Report, 24 April 2015, p. 04.

<sup>1091</sup> Case File No. 004-**D219/11**, Written Record of Interview of Witness **PENH Nhanh**, 17 September 2014, p. 06. Case File No. 004-**D219/830**, Written Record of Interview of Witness **SĒNG Raet**, 09 September 2016, p. 14.

<sup>1092</sup> Case File No. 004-**D118/149**, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 04. Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 16-18.

<sup>1093</sup> Case File No. 004-**D118/149**, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 07.

<sup>1094</sup> Case File No. 004-**D118/281**, Written Record of Interview of Witness **KĒV Sokha**, 29 July 2014, p. 05. Case File No. 004-**D219/272**, Site Identification Report, 24 April 2015, pp. 04-05.

<sup>1095</sup> Case File No. 004-**D219/368**, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 18. Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06.

<sup>1096</sup> Case File No. 004-**D219/368**, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 18.

<sup>1097</sup> Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06.

<sup>1098</sup> Case File No. 004-**D1.3.10.2**, Report of Sector 1, 28 May 1977, p. 02.

<sup>1099</sup> Case File No. 004-**D118/281**, Written Record of Interview of Witness **KĒV Sokha**, 29 July 2014, p. 05. Case File No. 004-**D219/428**, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04. Case File No. 004-**D219/946**, Written Record of Interview of Witness **LĂO Kâng**, 13 March 2017, p. 07.

<sup>1100</sup> Case File No. 004-**D219/428**, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04. Case File No. 004-**D219/367**, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, pp. 07-08.

<sup>1101</sup> Case File No. 004-**D219/367**, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, p. 07.

<sup>1102</sup> Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06. Case File No. 004-**D219/428**, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 05. Case File No. 004-**D219/367**, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, p. 06.

<sup>1103</sup> Case File No. 004-**D219/428**, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04.

- <sup>1104</sup> Case File No. 004-D219/11, Written Record of Interview of Witness **PENH Nhanh**, 17 September 2014, p. 06.
- <sup>1105</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 19-20.
- <sup>1106</sup> Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04.
- <sup>1107</sup> Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 05.
- <sup>1108</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 04. Case File No. 004-D219/464, Written Record of Interview of Witness **TIEP Tith**, 19 August 2015, p. 04. Case File No. 004-D219/548, Written Record of Interview of Witness **OENG Oeum**, 07 October 2015, pp. 03-04.
- <sup>1109</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 June 2013, pp. 02-03. Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, pp. 05-06. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 03.
- <sup>1110</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, pp. 04-05. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 11. Case File No. 004-D118/19, Written Record of Interview of Witness **YOENG Yeann**, 14 February 2013, p. 03. Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 06-07, 08-09, 22. Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 03. Case File No. 004-D219/367, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, p. 05. Case File No. 004-D219/946, Written Record of Interview of Witness **LÃO Kâng**, 13 March 2017, p. 07. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 11.
- <sup>1111</sup> Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 05.
- <sup>1112</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 07.
- <sup>1113</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 10-11, 16-18.
- <sup>1114</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 07. Case File No. 004-D219/430, Written Record of Interview of Witness **CHHOEUNG Bean**, 27 July 2015, p. 06. Case File No. 004-D219/465, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 August 2015, p. 12. Case File No. 004-D219/374, Written Record of Interview of Witness **KHĪN Khim**, 22 June 2015, p. 21. Case File No. 004-D219/149, Written Record of Interview of Civil Party Applicant **CHUM Chim**, 20 January 2015, p. 07.
- <sup>1115</sup> Case File No. 004-D219/412, Written Record of Interview of Witness **MIECH Sovanna**, 08 July 2015, pp. 14-15. Case File No. 004-D219/946, Written Record of Interview of Witness **LÃO Kâng**, 13 March 2017, p. 08.
- <sup>1116</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 12-13.
- <sup>1117</sup> Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2015, pp. 06-07.
- <sup>1118</sup> Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2015, pp. 06-07.
- <sup>1119</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 12-13, 19-20.
- <sup>1120</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 19-20.
- <sup>1121</sup> Case File No. 004-D219/374, Written Record of Interview of Witness **KHĪN Khim**, 22 June 2015, p. 21.

- <sup>1122</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 19-20.
- <sup>1123</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 23-24 .
- <sup>1124</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 11. Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 03.
- <sup>1125</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 07.
- <sup>1126</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 16-18. Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, pp. 03-04.
- <sup>1127</sup> Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04.
- <sup>1128</sup> Case File No. 004-D219/428, Written Record of Interview of Civil Party Applicant **VĂN Chea**, 23 July 2015, p. 04.
- <sup>1129</sup> Case File No. 004-D219/268, Written Record of Interview of Witness **NÂM Phorn**, 09 April 2015, pp. 12-13. Case File No. 004-D219/373, Written Record of Interview of Witness **NÂM Phorn**, 19 June 2015, pp. 19-20.
- <sup>1130</sup> Case File No. 004-D219/395, Written Record of Interview of Civil Party Applicant **CHIEV Hêng**, 27 June 2015, pp. 07-08.
- <sup>1131</sup> Case File No. 004-D219/373, Written Record of Interview of Witness **NÂM Phorn**, 19 June 2015, p. 16.
- <sup>1132</sup> Case File No. 004-D219/367, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, pp. 03-05.
- <sup>1133</sup> Case File No. 004-D219/395, Written Record of Interview of Civil Party Applicant **CHIEV Hêng**, 27 June 2015, pp. 07-08.
- <sup>1134</sup> Case File No. 004-D219/373, Written Record of Interview of Witness **NÂM Phorn**, 19 June 2015, pp. 11, 15.
- <sup>1135</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 08.
- <sup>1136</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, pp. 08, 10.
- <sup>1137</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 03.
- <sup>1138</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 04.
- <sup>1139</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 22.
- <sup>1140</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 11-13. Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 08.
- <sup>1141</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 24.
- <sup>1142</sup> Case File No. 004-D219/367, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, p. 07.
- <sup>1143</sup> Case File No. 004-D219/46, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, pp. 07-08. Case File No. 004-D219/239, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 24 March 2015, p. 04. Case File No. 004-D219/11, Written Record of Interview of Witness **PENH Nhanh**, 17 September 2014, pp. 06-08. Case File No. 004-D219/367, Written Record of Interview of Witness **REACH Sarân**, 15 June 2015, p. 06.
- <sup>1144</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 07.

- <sup>1145</sup> Case File No. 004-D219/373, Written Record of Interview of Witness **NÂM Phorn**, 19 June 2015, p. 17.
- <sup>1146</sup> Case File No. 004-D219/117, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 15-16.
- <sup>1147</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 06.
- <sup>1148</sup> Case File No. 004-D219/368, Written Record of Interview of Witness **CHHOEUNG Bean**, 17 June 2015, p. 06.
- <sup>1149</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 04. Case File No. 004-D219/896, Written Record of Interview of Witness **DOS Doeun**, 07 May 2017, p. 07.
- <sup>1150</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, pp. 03, 14. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 03. Case File No. 004-D118/144, Written Record of Interview of Witness **KAET Chooun**, 12 November 2013, pp. 05-06. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 09. Case File No. 004-D118/135, Written Record of Interview of Witness **CHHAOM Yaun**, 29 October 2013, p. 06. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 05. Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 03.
- <sup>1151</sup> Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 03. Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 03. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 09. Case File No. 004-D118/144, Written Record of Interview of Witness **KAET Chooun**, 12 November 2013, pp. 05-06. Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 03.
- <sup>1152</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 03. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, pp. 03, 05. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 15.
- <sup>1153</sup> Case File No. 004-D219/546, Written Record of Interview of Witness **PHÂR Pèt**, 05 October 2015, p. 03.
- <sup>1154</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 05. Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 09. Case File No. 004-D219/545, Written Record of Interview of Witness **PHÂR Pèt**, 04 October 2015, p. 05. Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 14-15.
- <sup>1155</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 05. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04. Case File No. 004-D219/390, Written Record of Interview of Witness **HÂNG Suom**, 21 June 2015, p. 06.
- <sup>1156</sup> Case File No. 004-D118/271, Written Record of Interview of Witness **CHHEAN Hea**, 17 July 2014, p. 09.
- <sup>1157</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 03. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 05.
- <sup>1158</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.
- <sup>1159</sup> Case File No. 004-D118/144, Written Record of Interview of Witness **KAET Chooun**, 12 November 2013, pp. 05-06. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 06. Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 04.
- <sup>1160</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.

- <sup>1161</sup> Case File No. 004-D219/208, Written Record of Interview of Witness **HÀNG Thai**, 26 February 2015, pp. 04-05. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 06. Case File No. 004-D219/946, Written Record of Interview of Witness **LÀO Kâng**, 13 March 2017, p. 10.
- <sup>1162</sup> Case File No. 004-D219/783, Written Record of Interview of Witness **HEM Preng**, 22 November 2016, p. 11.
- <sup>1163</sup> Case File No. 004-D219/783, Written Record of Interview of Witness **HEM Preng**, 22 November 2016, p. 11.
- <sup>1164</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, pp. 02-04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, pp. 03-04. Case File No. 004-D219/689, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, pp. 13-14. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, pp. 03, 13, 15.
- <sup>1165</sup> Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.
- <sup>1166</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04.
- <sup>1167</sup> Case File No. 004-D219/654, Written Record of Interview of Witness **SOKH Cheat** alias Khom, 19 January 2016, pp. 13-15.
- <sup>1168</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **LÀO Kâng**, 13 March 2017, p. 10. Case File No. 004-D219/954, Written Record of Interview of Witness **CHHOENG Chhoeut**, 18 March 2017, p. 04.
- <sup>1169</sup> Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, pp. 04, 07. Case File No. 004-D219/390, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, p. 05.
- <sup>1170</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 03. Case File No. 004-D219/783, Written Record of Interview of Witness **HEM Preng**, 22 November 2016, pp. 08, 11.
- <sup>1171</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 05.
- <sup>1172</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 04. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.
- <sup>1173</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 13.
- <sup>1174</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 05. Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.
- <sup>1175</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 07.
- <sup>1176</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, pp. 03-04. Case File No. 004-D219/783, Written Record of Interview of Witness **HEM Preng**, 22 November 2016, p. 11.
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- <sup>1178</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 13.
- <sup>1179</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 06.
- <sup>1180</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NÂNG Ni**, 23 July 2013, p. 04.

- <sup>1181</sup> Case File No. 004-D118/77, Written Record of Interview of Witness **NĂNG Ni**, 23 July 2013, pp. 06-07. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 03.
- <sup>1182</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 03. Case File No. 004-D219/831, Written Record of Interview of Witness **VENH Văanna**, 10 September 2016, p. 17. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 04. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, p. 03.
- <sup>1183</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **LĂO Kăng**, 13 March 2017, pp. 11-12. Case File No. 004-D219/208, Written Record of Interview of Witness **HÀNG Thai**, 26 February 2015, pp. 04-05. Case File No. 004-D219/390, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, pp. 06-07.
- <sup>1184</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **LĂO Kăng**, 13 March 2017, p. 11. Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, pp. 07-08. Case File No. 004-D118/63, Written Record of Interview of Witness **HĂN Thi**, 25 May 2013, p. 07.
- <sup>1185</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 04.
- <sup>1186</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 06. Case File No. 004-D219/390, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, pp. 05-06.
- <sup>1187</sup> Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, pp. 13, 15.
- <sup>1188</sup> Case File No. 004-D118/138, Written Record of Interview of Witness **TIEP Tith**, 02 November 2013, pp. 07-08. Case File No. 004-D118/63, Written Record of Interview of Witness **HĂN Thi**, 25 May 2013, p. 07.
- <sup>1189</sup> Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 06.
- <sup>1190</sup> Case File No. 004-D118/63, Written Record of Interview of Witness **HĂN Thi**, 25 May 2013, p. 07.
- <sup>1191</sup> Case File No. 004-D219/868, Written Record of Interview of Witness **CHEA Chheuy** alias *Ta Punlork* or *Ta Lork* or *Ta Mchul Chreh*, 07 November 2016, pp. 06-07.
- <sup>1192</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **LĂO Kăng**, 13 March 2017, p. 11.
- <sup>1193</sup> Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, pp. 05-06.
- <sup>1194</sup> Case File No. 004-D219/390, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, pp. 06-07.
- <sup>1195</sup> Case File No. 004-D219/273, Site Identification Report, 24 April 2015, pp. 01-03.
- <sup>1196</sup> Case File No. 004-D118/135, Written Record of Interview of Witness **CHHAOM Yaun**, 29 October 2013, p. 06. Case File No. 004-D118/102, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, p. 23. Case File No. 004-D219/90, Written Record of Interview of Witness **CHHAOM Yaun**, 26 November 2014, p. 08. Case File No. 004-D118/149, Written Record of Interview of Witness **HĂM Saom**, 20 November 2013, p. 10. Case File No. 004-D219/538, Written Record of Interview of Witness **SOEUN Măt**, 08 October 2015, p. 17.
- <sup>1197</sup> Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 06.
- <sup>1198</sup> Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 05.
- <sup>1199</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 05.
- <sup>1200</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 05.
- <sup>1201</sup> Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 06. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 04. Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03.

Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 03.

<sup>1202</sup> Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 06. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 04. Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04.

<sup>1203</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, p. 05. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 04. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04.

<sup>1204</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03.

<sup>1205</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04.

<sup>1206</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 03. Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, p. 05. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 04.

<sup>1207</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, pp. 03-04. Case File No. 004-D219/273, Site Identification Report, 24 April 2015, p. 06. Case File No. 004-D219/988, Report on Investigative Action, 05 June 2017, p. 02. Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 07. Case File No. 004-D219/698, Written Record of Interview of Witness **DOS Doeun**, 25 February 2016, p. 06.

<sup>1208</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11. Case File No. 004-D219/423, Written Record of Interview of Witness **YON Yooun**, 17 July 2015, p. 09.

<sup>1209</sup> Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, pp. 03-04. Case File No. 004-D219/410, Written Record of Interview of Witness **HOEM Chhongly**, 06 July 2015, p. 09.

<sup>1210</sup> Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, pp. 10-11. Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 13 July 2016, p. 05. Case File No. 004-D219/533, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 26.

<sup>1211</sup> Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04. Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 04. Case File No. 004-D219/545, Written Record of Interview of Witness **PHÂR Pêt**, 04 October 2015, p. 08. Case File No. 004-D219/90, Written Record of Interview of Witness **CHHAOM Yaun**, 26 November 2014, p. 07. Case File No. 004-D219/515, Written Record of Interview of Witness **CHHEUN Chhuoy**, 18 September 2015, p. 06.

<sup>1212</sup> Case File No. 004-D219/748, Written Record of Interview of Witness **SREI Soeun**, 20 April 2016, p. 15. Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 06.

<sup>1213</sup> Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 05. Case File No. 004-D219/698, Written Record of Interview of Witness **DOS Doeun**, 25 February 2016, p. 06. Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20

November 2013, pp. 10-11. Case File No. 004-**D219/390**, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, p. 09.

<sup>1214</sup> Case File No. 004-**D219/423**, Written Record of Interview of Witness **YON Yoeun**, 17 July 2015, p. 09.

<sup>1215</sup> Case File No. 004-**D118/136**, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 14-15. Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 09. Case File No. 004-**D118/295**, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 05. Case File No. 004-**D219/515**, Written Record of Interview of Witness **CHHEUN Chhuoy**, 18 September 2015, p. 06.

<sup>1216</sup> Case File No. 004-**D118/136**, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 14-15. Case File No. 004-**D118/271**, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 09. Case File No. 004-**D118/296**, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 06. Case File No. 004-**D219/545**, Written Record of Interview of Witness **PHÀR Pèt**, 04 October 2015, p. 08. Case File No. 004-**D219/538**, Written Record of Interview of Witness **SOEUN Mât**, 08 October 2015, p. 18. Case File No. 004-**D219/390**, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, p. 10. Case File No. 004-**D219/533**, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 29. Case File No. 004-**D1.3.11.55**, Written Record of Interview of **THI Han** by the Office of the Co-Prosecutors, 04 August 2008, p. 09.

<sup>1217</sup> Case File No. 004-**D219/545**, Written Record of Interview of Witness **PHÀR Pèt**, 04 October 2015, p. 08.

<sup>1218</sup> Case File No. 004-**D219/538**, Written Record of Interview of Witness **SOEUN Mât**, 08 October 2015, p. 18.

<sup>1219</sup> Case File No. 004-**D219/390**, Written Record of Interview of Witness **HÀNG Suom**, 21 June 2015, p. 10. Case File No. 004-**D118/296**, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 06.

<sup>1220</sup> Case File No. 004-**D219/235**, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 05. Case File No. 004-**D219/158**, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 03-04.

<sup>1221</sup> Case File No. 004-**D219/533**, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 29.

<sup>1222</sup> Case File No. 004-**D219/158**, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 03-04.

<sup>1223</sup> Case File No. 004-**D219/158**, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 03-04.

<sup>1224</sup> Case File No. 004-**D219/751**, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 07.

<sup>1225</sup> Case File No. 004-**D219/751**, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 04. Case File No. 004-**D219/533**, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, pp. 12, 29.

<sup>1226</sup> Case File No. 004-**D219/156**, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-**D219/158**, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 04-05. Case File No. 004-**D219/410**, Written Record of Interview of Witness **HOEM Chhongly**, 06 July 2015, pp. 12-13. Case File No. 004-**D219/797**, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 13. Case File No. 004-**D219/538**, Written Record of Interview of Witness **SOEUN Mât**, 08 October 2015, p. 17. Case File No. 004-**D1.3.11.24**, Written Record of Interview of **KHAUCH Roen**, by the Office of the Co-Prosecutors, 04 August 2008, p. 05.

<sup>1227</sup> Case File No. 004-**D118/295**, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 05. Case File No. 004-**D219/410**, Written Record of Interview of Witness **HOEM Chhongly**, 06 July 2015, p. 13. Case File No. 004-**D219/515**, Written Record of Interview of Witness **CHHEUN Chhuoy**, 18 September 2015, p. 05. Case File No. 004-**D219/533**, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 27. Case File No. 004-**D219/797**, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 15. Case File No. 004-**D219/751**, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 07.

- <sup>1228</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 08.
- <sup>1229</sup> Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 06.
- <sup>1230</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 03-04.
- <sup>1231</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 03-04.
- <sup>1232</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **DOS Doeun**, 07 May 2017, p. 05.
- <sup>1233</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 04-05. Case File No. 004-D219/533, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 28. Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04.
- <sup>1234</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, pp. 04-05.
- <sup>1235</sup> Case File No. 004-D219/533, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 29.
- <sup>1236</sup> Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 17.
- <sup>1237</sup> Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 05.
- <sup>1238</sup> Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 05.
- <sup>1239</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 04.
- <sup>1240</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 04. Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, p. 15. Case File No. 004-D219/156, Written Record of Interview of Witness **KIM Chat**, 21 January 2015, p. 04. Case File No. 004-D219/751, Written Record of Interview of Witness **VOR Ruom**, 28 April 2016, p. 04. Case File No. 004-D219/533, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, p. 30.
- <sup>1241</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 05.
- <sup>1242</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, pp. 05-06.
- <sup>1243</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, pp. 05-06.
- <sup>1244</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, p. 04.
- <sup>1245</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, p. 05. Case File No. 004-D219/90, Written Record of Interview of Witness **CHHAOM Yaun**, 26 November 2014, p. 14. Case File No. 004-D219/533, Written Record of Interview of Witness **CHHOEUNG Bean**, 24 September 2015, pp. 27, 29.
- <sup>1246</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **KĂO Kâng**, 13 March 2017, p. 09.
- <sup>1247</sup> Case File No. 004-D219/423, Written Record of Interview of Witness **YON Yoeun**, 17 July 2015, pp. 09-10.
- <sup>1248</sup> Case File No. 004-D219/423, Written Record of Interview of Witness **YON Yoeun**, 17 July 2015, p. 09.
- <sup>1249</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 08.
- <sup>1250</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, p. 08.

- <sup>1251</sup> Case File No. 004-D219/85, Written Record of Interview of Witness **VY Phann**, 18 November 2014, pp. 08-09.
- <sup>1252</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11. Case File No. 004-D219/698, Written Record of Interview of Witness **DOS Doeun**, 25 February 2016, pp. 06, 09. Case File No. 004-D219/797, Written Record of Interview of Witness **DOS Doeun**, 16 July 2016, pp. 07, 20.
- <sup>1253</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11.
- <sup>1254</sup> Case File No. 004-D219/946, Written Record of Interview of Witness **KĂO Kâng**, 13 March 2017, p. 09.
- <sup>1255</sup> Case File No. 004-D219/235, Written Record of Interview of Witness **PHOEUK Lam**, 19 March 2015, p. 05.
- <sup>1256</sup> Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, pp. 04-05.
- <sup>1257</sup> Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, pp. 03-04. Case File No. 004-D219/410, Written Record of Interview of Witness **HOEM Chhongly**, 06 July 2015, p. 13. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04. Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11.
- <sup>1258</sup> Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04. Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 05.
- <sup>1259</sup> Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04.
- <sup>1260</sup> Case File No. 004-D118/296, Written Record of Interview of Witness **HOEM Chhongly**, 26 August 2014, p. 05.
- <sup>1261</sup> Case File No. 004-D219/410, Written Record of Interview of Witness **HOEM Chhongly**, 06 July 2015, p. 13. Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 04.
- <sup>1262</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11.
- <sup>1263</sup> Case File No. 004-D118/149, Written Record of Interview of Witness **HÂM Saom**, 20 November 2013, p. 11.
- <sup>1264</sup> Case File No. 004-D219/158, Written Record of Interview of Witness **PHOEUK Lam**, 26 January 2015, p. 06.
- <sup>1265</sup> Case File No. 004-D219/916, Written Record of Interview of Witness **DOEP Y**, 04 February 2017, p. 10.
- <sup>1266</sup> Case File No. 004-D219/894, Written Record of Interview of Witness **KĂO Porn**, 14 January 2017, p. 12.
- <sup>1267</sup> Case File No. 004-D219/933, Written Record of Interview of Witness **PRĪN Ân**, 22 February 2017, pp. 13-14.
- <sup>1268</sup> Case File No. 004-D219/274, Site Identification Report, 24 April 2015, pp. 01, 03. Case File No. 004-D118/106, Written Record of Interview of Witness **HUON Choeum**, 22 September 2013, p. 05. Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 03. Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 09-10.
- <sup>1269</sup> Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 03. Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 03, 07-08.
- <sup>1270</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, p. 10.
- <sup>1271</sup> Case File No. 004-D219/274, Site Identification Report, 24 April 2015, p. 05. Case File No. 004-D219/157, Written Record of Interview of Witness **KHĂY Chhaury**, 22 January 2015, p. 04.

- <sup>1272</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, p. 10.
- <sup>1273</sup> Case File No. 004-D219/274, Site Identification Report, 24 April 2015, p. 05. Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, p. 10. Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 03. Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 04.
- <sup>1274</sup> Case File No. 004-D219/274, Site Identification Report, 24 April 2015, p. 05.
- <sup>1275</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05.
- <sup>1276</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05. Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 08. Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 06.
- <sup>1277</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05. Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 06.
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- <sup>1279</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 04-06. Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, pp. 09-10.
- <sup>1280</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 08.
- <sup>1281</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05.
- <sup>1282</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05.
- <sup>1283</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05.
- <sup>1284</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 05.
- <sup>1285</sup> Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 09.
- <sup>1286</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 05.
- <sup>1287</sup> Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 14.
- <sup>1288</sup> Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 04. Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 10-11.
- <sup>1289</sup> Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, pp. 03-04 .
- <sup>1290</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, p. 10.
- <sup>1291</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 05, 17-18.
- <sup>1292</sup> Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, pp. 04-07.
- <sup>1293</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 05.
- <sup>1294</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 05.

- <sup>1295</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 05.
- <sup>1296</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 07.
- <sup>1297</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 05.
- <sup>1298</sup> Case File No. 004-D219/157, Written Record of Interview of Witness **KHÂY Chhauy**, 22 January 2015, p. 05.
- <sup>1299</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 05, 10-11. Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, pp. 21-22.
- <sup>1300</sup> Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 26.
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- <sup>1302</sup> Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 12.
- <sup>1303</sup> Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 14.
- <sup>1304</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 10. Case File No. 004-D219/649, Written Record of Interview of Witness **LIM Tim**, 12 January 2016, p. 18.
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- <sup>1306</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 17-18.
- <sup>1307</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, p. 18.
- <sup>1308</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 18-19.
- <sup>1309</sup> Case File No. 004-D219/89, Written Record of Interview of Civil Party **SAM Leng**, 25 November 2014, pp. 05, 17-18.
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- <sup>1311</sup> Case File No. 004-D118/106, Written Record of Interview of Witness **HUON Choem**, 22 September 2013, pp. 05-06.
- <sup>1312</sup> Case File No. 004-D219/88, Written Record of Interview of Witness **BUL Sort**, 23 November 2014, p. 07.
- <sup>1313</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 07-08.
- <sup>1314</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp.08-09.
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- <sup>1316</sup> Case File No. 004-D272/1, Response to Forwarding Order dated 05 November 2015 and Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence in Sector 1 and Sector 4, p. 04, para. 10.
- <sup>1317</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **CHUONG Luom**, 16 January 2017, p. 13. Case File No. 004-D219/62, Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11.

- <sup>1318</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11.
- <sup>1319</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1320</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **CHUONG Luom**, 16 January 2017, p. 13.
- <sup>1321</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **CHUONG Luom**, 16 January 2017, p. 13.
- <sup>1322</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11.
- <sup>1323</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 16. Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1324</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 16.
- <sup>1325</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1326</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 09.
- <sup>1327</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **CHUONG Luom**, 16 January 2017, p. 13.
- <sup>1328</sup> Case File No. 004-D219/896, Written Record of Interview of Witness **CHUONG Luom**, 16 January 2017, p. 13.
- <sup>1329</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11.
- <sup>1330</sup> Case File No. 004-D219/62, Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11. Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1331</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15. Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 11.
- <sup>1332</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1333</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1334</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 09.
- <sup>1335</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1336</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1337</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1338</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1339</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1340</sup> Case File No. 004-D219/62, Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.
- <sup>1341</sup> Case File No. 004-D118/285, Written Record of Interview of Witness **NOP Ngim**, 12 August 2014, p. 15.
- <sup>1342</sup> Case File No. 004-D219/62 , Written Record of Interview of Witness **PREAP Kap**, 03 November 2014, p. 10.

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- <sup>1354</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 06.
- <sup>1355</sup> Case File No. 004-D118/178, Written Record of Interview of Civil Party Applicant **MOUL Van**, 07 February 2014, p. 11. Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04. Case File No. 004-D118/235, Written Record of Interview of Civil Party Application of **KHÈK Chàn**, 14 May 2014, p. 05. Case File No. 004-D118/237, Written Record of Interview of Witness **TIT Kah**, 15 May 2014, p. 10.
- <sup>1356</sup> Case File No. 004-D118/194, Written Record of Interview of Civil Party Applicant **RUOS Narin**, 28 February 2014, p. 11.
- <sup>1357</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 04.
- <sup>1358</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.
- <sup>1359</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 05.
- <sup>1360</sup> Case File No. 004-D118/178, Written Record of Interview of Civil Party Applicant **MOUL Van**, 07 February 2014, p. 12.
- <sup>1361</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.
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- <sup>1374</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 05.
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- <sup>1378</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 04.
- <sup>1379</sup> Case File No. 004-D219/336, Written Record of Interview of Witness **TOAM Chĕah**, 24 May 2015, pp. 05-06.
- <sup>1380</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 03.
- <sup>1381</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.
- <sup>1382</sup> Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10.
- <sup>1383</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.
- <sup>1384</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.
- <sup>1385</sup> Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.
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2014, p. 06. Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10.

<sup>1389</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04. Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.

<sup>1390</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04. Case File No. 004-D118/15, Site Identification Report, 24 January 2013, p. 03.

<sup>1391</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1392</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 05.

<sup>1393</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1394</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 05.

<sup>1395</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 03. Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10. Case File No. 004-D219/336, Written Record of Interview of Witness **TOAM Chhah**, 24 May 2015, pp. 05-06.

<sup>1396</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1397</sup> Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10.

<sup>1398</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04. Case File No. 004-D118/235, Written Record of Interview of Civil Party Application of **KHÈK Chhân**, 14 May 2014, pp. 06, 08.

<sup>1399</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1400</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1401</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1402</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 07.

<sup>1403</sup> Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10.

<sup>1404</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 04.

<sup>1405</sup> Case File No. 004-D118/235, Written Record of Interview of Civil Party Applicant **KHÈK Chhân**, 14 May 2014, p. 06.

<sup>1406</sup> Case File No. 004-D118/235, Written Record of Interview of Civil Party Applicant **KHÈK Chhân**, 14 May 2014, p. 06.

<sup>1407</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 05.

<sup>1408</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 06.

<sup>1409</sup> Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 05. Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, pp. 10-11.

<sup>1410</sup> Case File No. 004-D267.1.42, Written Record of Interview of Witness **LAY Bony**, 26 August 2009, p. 10.

<sup>1411</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 05.

<sup>1412</sup> Case File No. 004-D118/235, Written Record of Interview of Civil Party Applicant **KHÈK Chhân**, 14 May 2014, p. 06.

- <sup>1413</sup> Case File No. 004-D219/336, Written Record of Interview of Witness **TOAM Chėah**, 24 May 2015, pp. 05-06.
- <sup>1414</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 06.
- <sup>1415</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 05. Case File No. 004-D118/288, Written Record of Interview of Witness **LAY Bony**, 20 August 2014, p. 07.
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- <sup>1417</sup> Case File No. 004-D6.1.140, Written Record of Interview of Witness **THĂCH Sokh**, 15 December 2008, p. 03.
- <sup>1418</sup> Case File No. 004-D118/12, Site Identification Report (Tuol Seh Nhauv), 18 January 2013, p. 02.
- <sup>1419</sup> Case File No. 004-D6.1.757, Written Record of Interview of Civil Party **PEOU Sinuon**, 29 September 2009, p. 05.
- <sup>1420</sup> Case File No. 004-D6.1.757, Written Record of Interview of Civil Party **PEOU Sinuon**, 29 September 2009, p. 06.
- <sup>1421</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 09.
- <sup>1422</sup> Case File No. 004-D118/191, Written Record of Interview of Civil Party **NGÈT Chat**, 26 February 2014, p. 12. Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 07.
- <sup>1423</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 07.
- <sup>1424</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 07.
- <sup>1425</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, p. 06.
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- <sup>1429</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, pp. 05-06.
- <sup>1430</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, pp. 08-09. Case File No. 004-D6.1.140, Written Record of Interview of Witness **THĂCH Sokh**, 15 December 2008, pp. 03-04. Case File No. 004-D6.1.758, Written Record of Interview of Civil Party **CHAP Khuong**, 30 September 2009, p. 05. Case File No. 004-D6.1.757, Written Record of Interview of Civil Party **PEOU Sinuon**, 29 September 2009, p. 05. Case File No. 004-D118/123, Written Record of Interview of Civil Party Applicant **THOEK Yeun**, 08 October 2013, p. 09. Case File No. 004-D118/175, Written Record of Interview of Witness **VAEN Dara**, 05 February 2014, pp. 08-09. Case File No. 004-D118/192, Written Record of Interview of Civil Party Applicant **VÈN Ván**, 27 February 2014, pp. 10-11.
- <sup>1431</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 08.
- <sup>1432</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 09.
- <sup>1433</sup> Case File No. 004-D6.1.757, Written Record of Interview of Civil Party **PEOU Sinuon**, 29 September 2009, p. 06.

<sup>1434</sup> Case File No. 004-D118/191, Written Record of Interview of Civil Party **NGÈT Chat**, 26 February 2014, p. 11. Case File No. 004-D118/175, Written Record of Interview of Witness **VAEN Dara**, 05 February 2014, p. 09.

<sup>1435</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroeun**, 08 October 2013, p. 08.

<sup>1436</sup> Case File No. 004-D118/188, Written Record of Interview of Civil Party Applicant **TIT Sophary**, 24 February 2014, p. 08. Case File No. 004-D118/254, Written Record of Interview of Witness **NGÈT Loy**, 09 June 2014, p. 06-07.

<sup>1437</sup> Case File No. 004-D6.1.757, Written Record of Interview of Civil Party **PEOU Sinuon**, 29 September 2009, p. 05.

<sup>1438</sup> Case File No. 004-D219/184, Written Record of Interview of Witness **HORM Sinuon**, 13 February 2015, pp. 05-06.

<sup>1439</sup> Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 09.

<sup>1440</sup> Case File No. 004-D118/191, Written Record of Interview of Civil Party Applicant **NGÈT Chat**, 26 February 2014, p. 11.

<sup>1441</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party Applicant **YEAN Phan**, 10 March 2014, p. 06.

<sup>1442</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 06.

<sup>1443</sup> Case File No. 004-D118/226, Written Record of Interview of Civil Party Applicant **NGÈT Vuth**, 23 April 2014, p. 10.

<sup>1444</sup> Case File No. 004-D118/193, Written Record of Interview of Witness **VĂN Moch**, 07 February 2014, pp. 08-09.

<sup>1445</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party **THOEK Bunroeun**, 08 October 2013, p. 06.

<sup>1446</sup> Case File No. 004-D6.1.140, Written Record of Interview of Witness **THÁCH Sokh**, 15 December 2008, pp. 06-07.

<sup>1447</sup> Case File No. 004-D118/254, Written Record of Interview of Witness **NGÈT Loy**, 09 June 2014, p. 06.

<sup>1448</sup> Case File No. 004-D118/197, Written Record of Interview of Civil Party **YEAN Phan**, 10 March 2014, p. 06.

<sup>1449</sup> Case File No. 004-D6.1.140, Written Record of Interview of Witness **THÁCH Sokh**, 15 December 2008, p. 04.

<sup>1450</sup> Case File No. 004-D118/193, Written Record of Interview of Witness **VĂN Moch**, 07 February 2014, p. 09.

<sup>1451</sup> Case File No. 004-D118/226, Written Record of Interview of Civil Party Applicant **NGÈT Vuth**, 23 April 2014, p. 11.

<sup>1452</sup> Case File No. 004-D118/254, Written Record of Interview of Witness **NGÈT Loy**, 09 June 2014, pp. 07-08.

<sup>1453</sup> Case File No. 004-D118/254, Written Record of Interview of Witness **NGÈT Loy**, 09 June 2014, p. 08.

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<sup>1455</sup> Case File No. 004-D6.1.142, Written Record of Interview of Witness **CHEA Lēng** alias **OENG Tangchhēng**, 18 December 2008. Case File No. 004-D6.1.140, Written Record of Interview of Witness **THÁCH Sokh**, 15 December 2008. Case File No. 004-D65.1.32, Victim Information Form of **SUONG Toeu**, 11 July 2009. Case File No. 004-D6.1.134, Written Record of Interview of Witness **DUONG Sau**, 20 November 2008. Case File No. 004-D6.1.991, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010. Case File No. 004-D6.1.988, Written Record of Interview of Witness **HĒNG Lēng An**, 09 April 2010. Case File No. 004-D6.1.1052, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 24 January 2008. Case File No. 004-D6.1.984, Written Record of Interview of Witness **SEK Sām At** alias **Rim** or **Yeay Rim**, 23 March 2010.

<sup>1456</sup> Case File No. 004-D118/13, Site Identification Report, 22 January 2013, p. 01. Case File No. 004-D219/223, Written Record of Interview of Witness **NUON Rîn**, 12 March 2015, p. 15. Case File No. 004-D219/921, Written Record of Interview of Witness **CHAP Puth**, 13 February 2017, p. 18 .

<sup>1457</sup> Case File No. 004-D118/13, Site Identification Report, 22 January 2013, pp. 02-03.

<sup>1458</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 06.

<sup>1459</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party **THOEK Bunroeun**, 08 October 2013, p. 08. Case File No. 004-D118/125, Written Record of Interview of Civil Party **CHAP Khuong**, 10 October 2013, pp. 12-13. Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 10. Case File No. 004-D219/188, Written Record of Interview of Witness **PHAN Khorn**, 17 February 2015, p. 23.

<sup>1460</sup> Case File No. 004-D118/125, Written Record of Interview of Civil Party Applicant **CHAP Khuong**, 10 October 2013, p. 14.

<sup>1461</sup> Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 10.

<sup>1462</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroeun**, 08 October 2013, p. 08. Case File No. 004-D118/192, Written Record of Interview of Civil Party **VÈN Vân**, 27 February 2014, pp. 09-10.

<sup>1463</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party **THOEK Bunroeun**, 08 October 2013, p. 09 .

<sup>1464</sup> Case File No. 004-D118/125, Written Record of Interview of Civil Party **CHAP Khuong**, 10 October 2013, p. 15. Case File No. 004-D118/192, Written Record of Interview of Civil Party **VÈN Vân**, 27 February 2014, p. 12.

<sup>1465</sup> Case File No. 004-D118/192, Written Record of Interview of Civil Party Applicant **VÈN Vân**, 27 February 2014, pp. 09-10.

<sup>1466</sup> Case File No. 004-D118/125, Written Record of Interview of Civil Party Applicant **CHAP Khuong**, 10 October 2013, p. 13.

<sup>1467</sup> Case File No. 004-D65, Co-Prosecutors' Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 July 2011, para. 17, pp.8-9.

<sup>1468</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroeun**, 08 October 2013, p. 08. Case File No. 004-D118/125, Written Record of Interview of Civil Party Applicant **CHAP Khuong**, 10 October 2013, pp. 14-15. Case File No. 004-D219/223, Written Record of Interview of Witness **NUON Rîn**, 12 March 2015, pp. 14-15. Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 09. Case File No. 004-D219/188, Written Record of Interview of Witness **PHAN Khorn**, 17 February 2015, p. 23.

<sup>1469</sup> Case File No. 004-D118/125, Written Record of Interview of Civil Party **CHAP Khuong**, 10 October 2013, p. 13. Case File No. 004-D118/122, Written Record of Interview of Civil Party **THOEK Bunroeun**, 08 October 2013, pp. 08-09. Case File No. 004-D118/127, Written Record of Interview of Civil Party Applicant **PEOU Sinuon**, 10 October 2013, p. 09. Case File No. 004-D219/223, Written Record of Interview of Witness **NUON Rîn**, 12 March 2015, p. 15. Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 09.

<sup>1470</sup> Case File No. 004-D118/13, Site Identification Report, 22 January 2013, pp. 02-03.

<sup>1471</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroeun**, 08 October 2013, p. 08.

<sup>1472</sup> Case File No. 004-D219/223, Written Record of Interview of Witness **NUON Rîn**, 12 March 2015, pp. 16-18.

<sup>1473</sup> Case File No. 004-D118/125, Written Record of Interview of Civil Party Applicant **CHAP Khuong**, 10 October 2013, p. 14.

<sup>1474</sup> Case File No. 004-D118/188, Written Record of Interview of Civil Party Applicant **TIT Sophary**, 24 February 2014, p. 07.

<sup>1475</sup> Case File No. 004-D118/188, Written Record of Interview of Civil Party Applicant **TIT Sophary**, 24 February 2014, p. 10.

<sup>1476</sup> Case File No. 004-D118/127, Written Record of Interview of Civil Party Applicant **PEOU Sinuon**, 10 October 2013, pp. 09-10. Case File No. 004-D118/213, Written Record of Interview of Civil Party Applicant **YIM Khon**, 01 April 2014, p. 14.

<sup>1477</sup> Case File No. 004-D118/256, Written Record of Interview of Witness **SĒNG Ēng**, 10 June 2014, p. 09.

<sup>1478</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, pp. 05-06.

<sup>1479</sup> Case File No. 004-D118/226, Written Record of Interview of Civil Party Applicant **NGÈT Vuth**, 23 April 2014, pp. 12-13.

<sup>1480</sup> Case File No. 004-D118/254, Written Record of Interview of Witness **NGÈT Loy**, 09 June 2014, pp. 07-08.

<sup>1481</sup> Case File No. 004-D6.1.142, Written Record of Interview of Witness **CHEA Lēng** alias **OENG Tangchhēng**, 18 December 2008. Case File No. 004-D6.1.140, Written Record of Interview of Witness **THÁCH Sokh**, 15 December 2008. Case File No. 002-D65.1.32, Written Record of Interview of Civil Party Application of **SUONG Toeur**, 11 July 2009. Case File No. 004-D6.1.134, Written Record of Interview of Witness **DUONG Sau**, 20 November 2008. Case File No. 004-D6.1.991, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010. Case File No. 004-D6.1.988, Written Record of Interview of Witness **HĒNG Lēng An**, 09 April 2010. Case File No. 004-D6.1.1052, Written Record of Interview of Charged Person **KAING Guek Eav** alias **Duch**, 24 January 2008. Case File No. 004-D6.1.984, Written Record of Interview of Witness **SEK Sâm At** alias **Rim** or **Yeay Rim**, 23 March 2010.

<sup>1482</sup> Case File No. 004-D118/1, Written Record of Interview of Witness **UK Soeum**, 14 December 2012, p. 04. Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, p. 10. Case File No. 004-D118/241, Written Record of Interview of Witness **THÁCH Sokh**, 19 May 2014, p. 16. Case File No. 004-D219/639, Written Record of Interview of Civil Party Applicant **KEO Meur**, 05 January 2016, p. 08. Case File No. 004-D6.1.757, Written Record of Interview of Civil Party Applicant **PEOU Sinuon**, 29 September 2009, p. 03.

<sup>1483</sup> Case File No. 004-D219/639, Written Record of Interview of Civil Party Applicant **KEO Meur**, 05 January 2016, p. 08.

<sup>1484</sup> Case File No. 004-D219/639, Written Record of Interview of Civil Party Applicant **KEO Meur**, 05 January 2016, p. 08.

<sup>1485</sup> Case File No. 004-D219/639, Written Record of Interview of Civil Party Applicant **KEO Meur**, 05 January 2016, p. 08.

<sup>1486</sup> Case File No. 004-D281, Written Record of Initial Appearance of **YIM Tith**, 09 December 2015, p. 04, Point 21.

<sup>1487</sup> Case File No. 004-D118/1, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 14 December 2012, p. 04.

<sup>1488</sup> Case File No. 004-D65, Co-Prosecutors' Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 July 2011, para. 20, pp. 10-11. Case File No. 004-D118/1, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 14 December 2012, p. 04. Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, pp. 09-10.

<sup>1489</sup> Case File No. 004-D6.1.991, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010, p. 06.

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<sup>1491</sup> Case File No. 004-D118/1, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 14 December 2012, p. 04.

<sup>1492</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, p. 09.

<sup>1493</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, p. 09.

<sup>1494</sup> Case File No. 004-D118/122, Written Record of Interview of Civil Party Applicant **THOEK Bunroean**, 08 October 2013, p. 09.

- <sup>1495</sup> Case File No. 004-D6.1.991, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010, p. 06.
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- <sup>1498</sup> Case File No. 004-D219/639, Written Record of Interview of Civil Party Applicant **KEO Meur**, 05 January 2016, p. 09.
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- <sup>1503</sup> Case File No. 004-D6.1.186, Written Record of Interview of Witness **NHÈM Sat**, 30 July 2008, p. 02. Case File No. 004-D6.1.165, Written Record of Interview of Witness **IM Ân**, 17 June 2008, p. 05. Case File No. 004-D6.1.115, Written Record of Interview of Witness **CHUCH alias Punlork**, 26 August 2008, p. 05. Case File No. 004-D6.1.150, Site Identification Report, 21 April 2009, pp. 01-02. Case File No. 004-D6.1.362, Written Record of Interview of Witness **POL Seun**, 08 April 2009, p. 03. Case File No. 004-D6.1.173, Written Record of Interview of Witness **UM Saroeun**, 19 June 2008, p. 04. Case File No. 004-D219/666, Written Record of Interview of Witness **YANG Sarieb**, 27 January 2016, p. 11.
- <sup>1504</sup> Case File No. 004-D6.1.167, Written Record of Interview of Witness **PÈN Leap**, 26 May 2008, p. 03.
- <sup>1505</sup> Case File No. 004-D219/535, Written Record of Interview of Witness **PHOENG Dy**, 05 October 2015, pp. 06-08.
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- <sup>1509</sup> Case File No. 004-D219/36, Written Record of Interview of Witness **CHHUOM Savaen**, 15 October 2014, p. 10.
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- <sup>1511</sup> Case File No. 004-D219/697, Written Record of Interview of Witness **NAUK Chhiet**, 24 February 2016, p. 05.
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- <sup>1513</sup> Case File No. 004-D118/107, Written Record of Interview of Witness **SÈT Dun**, 27 March 2013, p. 09.
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- <sup>1516</sup> Case File No. 004-D118/86, Written Record of Interview of Witness **NHOEK Li**, 11 August 2013, p. 05.
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- <sup>1522</sup> Case File No. 004-D219/535, Written Record of Interview of Witness **PHOENG Dy**, 05 October 2015, p. 06.
- <sup>1523</sup> Case File No. 004-D219/535, Written Record of Interview of Witness **PHOENG Dy**, 05 October 2015, p. 06.
- <sup>1524</sup> Case File No. 004-D219/535, Written Record of Interview of Witness **PHOENG Dy**, 05 October 2015, p. 06.
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- <sup>1526</sup> Case File No. 004-D6.1.173, Written Record of Interview of Witness **UM Saroeun**, 19 June 2008, p. 05.
- <sup>1527</sup> Case File No. 004-D118/66, Written Record of Interview of Witness **IM Ān**, 28 May 2013, p. 06.
- <sup>1528</sup> Case File No. 004-D6.1.167, Written Record of Interview of Witness **PĒN Leap**, 26 May 2008, p. 03.
- <sup>1529</sup> Case File No. 004-D219/535, Written Record of Interview of Witness **PHOENG Dy**, 05 October 2015, pp. 06-07.
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- <sup>1532</sup> Case File No. 004-D219/697, Written Record of Interview of Witness **NAUK Chhiet**, 24 February 2016, p. 05.

- <sup>1533</sup> Case File No. 004-D118/66, Written Record of Interview of Witness **IM Ǻn**, 28 May 2013, p. 06.
- <sup>1534</sup> Case File No. 004-D219/666, Written Record of Interview of Witness **YANG Sariieb**, 27 January 2016, p. 09.
- <sup>1535</sup> Case File No. 004-D219/666, Written Record of Interview of Witness **YANG Sariieb**, 27 January 2016, p. 10.
- <sup>1536</sup> Case File No. 004-D219/666, Written Record of Interview of Witness **YANG Sariieb**, 27 January 2016, p. 10.
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- <sup>1550</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 08.
- <sup>1551</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 14.
- <sup>1552</sup> Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, pp. 11-12. Case File No. 004-D219/685, Written Record of Interview of Witness **SORN Vaen**, 08 February 2016, p. 04.
- <sup>1553</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 09-11.
- <sup>1554</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 11-12.

- <sup>1555</sup> Case File No. 004-**D219/683**, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 09.
- <sup>1556</sup> Case File No. 004-**D219/683**, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 10.
- <sup>1557</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, pp. 05-06.
- <sup>1558</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, pp. 05-06.
- <sup>1559</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 04.
- <sup>1560</sup> Case File No. 004-**D219/683**, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, pp. 05, 15-16. Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 08-09.
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- <sup>1565</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 08.
- <sup>1566</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 28 February 2016, p. 05.
- <sup>1567</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 08.
- <sup>1568</sup> Case File No. 004-**D219/685**, Written Record of Interview of Witness **SORN Vaen**, 08 February 2016, pp. 04-05, 10.
- <sup>1569</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 05.
- <sup>1570</sup> Case File No. 004-**D219/683**, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 05.
- <sup>1571</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 05.
- <sup>1572</sup> Case File No. 004-**D219/683**, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 08.
- <sup>1573</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 05.
- <sup>1574</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, pp. 09-10.
- <sup>1575</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 08-09.
- <sup>1576</sup> Case File No. 004-**D219/720** Written Record of Interview of **VANN Voert**, 25 February 2016, p. 05.
- <sup>1577</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, p. 05.
- <sup>1578</sup> Case File No. 004-**D219/720**, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, p. 05.
- <sup>1579</sup> Case File No. 004-**D219/718**, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 05, 09.

- <sup>1580</sup> Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voeurt**, 25 February 2016, p. 05.
- <sup>1581</sup> Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voeurt**, 25 February 2016, p. 05.
- <sup>1582</sup> Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voeurt**, 25 February 2016, pp. 10-11. Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 09.
- <sup>1583</sup> Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 11.
- <sup>1584</sup> Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 11.
- <sup>1585</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 09-11.
- <sup>1586</sup> Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 11. Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 05.
- <sup>1587</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 10.
- <sup>1588</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 10.
- <sup>1589</sup> Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voeurt**, 25 February 2016, p. 06.
- <sup>1590</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, pp. 09-11.
- <sup>1591</sup> Case File No. 004-D219/718, Written Record of Interview of Witness **HĒNG Leap**, 22 February 2016, p. 10.
- <sup>1592</sup> Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, pp. 11, 16.
- <sup>1593</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 11-12. Case File No. 004-D219/798, Written Record of Interview of Witness **NGĪN Chheuy**, 20 July 2016, p. 09. Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.
- <sup>1594</sup> Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 05. Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.
- <sup>1595</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 12, 25.
- <sup>1596</sup> Case File No. 004-D1.3.10.15 DC-Cam Report on Mapping Project 1998, 17 August 1998, p. 22. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-04.
- <sup>1597</sup> Case File No. 004-D1.3.10.15 DC-Cam Report on Mapping Project 1998, 17 August 1998, pp. 22-23. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-04. Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 16. Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, p. 07.
- <sup>1598</sup> Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, pp. 06-07.
- <sup>1599</sup> Case File No. 004-D219/939, Written Record of Interview of Witness **SĒK Muntha**, 24 February 2017, pp. 16-17.
- <sup>1600</sup> Case File No. 004-D1.3.10.15 DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, pp. 10, 20.
- <sup>1601</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 10.

- <sup>1602</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 11-12.
- <sup>1603</sup> Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 04-05. Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.
- <sup>1604</sup> Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 04. Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, pp. 06-07. Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.
- <sup>1605</sup> Case File No. 004-D219/309, Written Record of Interview of Civil Party Applicant **SAOY Yèn**, 08 May 2015, p. 06.
- <sup>1606</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-04.
- <sup>1607</sup> Case File No. 004-D219/798, Written Record of Interview of Witness **NGĪN Chheuy**, 20 July 2016, p. 10. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 03. Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, p. 06.
- <sup>1608</sup> Case File No. 004-D1.3.10.15, DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, p. 23 (the Office of the Co-Prosecutors' witness who was a mobile soldier during the Khmer Rouge Regime). Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, pp. 08-09. Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 07-08. Case File No. 004-D219/798, Written Record of Interview of Witness **NGĪN Chheuy**, 20 July 2016, p. 10. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-07. Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, p. 06.
- <sup>1609</sup> Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, p. 06. Case File No. 004-D219/302, Written Record of Interview of Civil Party Applicant **KHOEUN Choem**, 05 May 2015, p. 05.
- <sup>1610</sup> Case File No. 004-D1.3.10.15 DC-Cam Report on Mapping Project 1998, 17 August 1998, p. 23. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-04.
- <sup>1611</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 25-26, 28. Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 04.
- <sup>1612</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 26.
- <sup>1613</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06. Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 25-26.
- <sup>1614</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.
- <sup>1615</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 32. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-05.
- <sup>1616</sup> Case File No. 004-D1.3.11.23, Written Record of Interview of **KIM Heng** by the Office of the Co-Prosecutors-00034, 03 August 2012, p. 10.
- <sup>1617</sup> Case File No. 004-D219/939, Written Record of Interview of Witness **SĒK Muntha**, 24 February 2017, p. 21.
- <sup>1618</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 06.
- <sup>1619</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 10.
- <sup>1620</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 05. Case File No. 004-D1.3.10.15, DC-Cam document, Mapping Project: Battambang, August

1998 and December 1998, pp. 22-23 (Office of the Co-Prosecutors' witness-00305: shows the former prison guards/the people who killed two people in Pou Langka Pagoda. They are still alive. They are Comrade Sim and Comrade Mao).

<sup>1621</sup> Case File No. 004-D118/298, Written Record of Interview of Civil Party Applicant **KHIEM Bau**, 01 September 2014, p. 09.

<sup>1622</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 28-29.

<sup>1623</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.

<sup>1624</sup> Case File No. 004-D219/404, Written Record of Interview of Witness **HOEUNG Sambo**, 09 July 2015, p. 12. Case File No. 004-D1.3.10.15 DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, p. 23 (the Office of the Co-Prosecutors' witness-00304 who was a mobile soldier during the Khmer Rouge Regime). Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, pp. 08-09.

<sup>1625</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 10.

<sup>1626</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.

<sup>1627</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 06.

<sup>1628</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, pp. 07-08.

<sup>1629</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 31.

<sup>1630</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 28-29.

<sup>1631</sup> Case File No. 004-D219/302, Written Record of Interview of Civil Party Applicant **KHOEUN Choem**, 05 May 2015, p. 05. Case File No. 004-D219/337, Written Record of Interview of Witness **RIEM DY**, 25 May 2015, p. 09.

<sup>1632</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 31.

<sup>1633</sup> <sup>1633</sup> Case File No. 004-D1.3.11.23, Written Record of Interview of **KIM Heng** by the Office of the Co-Prosecutors-00034, 03 August 2012, p. 07.

<sup>1634</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 07-08.

<sup>1635</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 31. Case File No. 004-D219/302, Written Record of Interview of Civil Party **KHOEUN Choem**, 05 May 2015, p. 05.

<sup>1636</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 31.

<sup>1637</sup> Case File No. 004-D219/302, Written Record of Interview of Civil Party **KHOEUN Choem**, 05 May 2015, p. 05. Case File No. 004-D219/304, Written Record of Interview of Witness **IM Bunchhoeun**, 06 May 2015, p. 04. Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03-05.

<sup>1638</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party **SREY Soeum**, 16 December 2014, pp. 07-08.

<sup>1639</sup> Case File No. 004-D219/341, Written Record of Interview of Witness **NUOK Sangay**, 27 May 2015, p. 08.

<sup>1640</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, pp. 03, 07.

<sup>1641</sup> Case File No. 004-D219/404, Written Record of Interview of Witness **HOEUNG Sambo**, 09 July 2015, p. 04.

<sup>1642</sup> Case File No. 004-D5/95/1, Victim Support Section's Report on Civil Party **TEAV Vieng**, 29 June 2011, p. 03.

- <sup>1643</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 09.
- <sup>1644</sup> Case File No. 004-D5/94/1, Victim Support Section on Civil Party **SOKH Bunra**, 29 June 2011, p. 03.
- <sup>1645</sup> Case File No. 004-D219/307, Written Record of Interview of Witness **PÀL Yong**, 09 May 2015, p. 08. Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, pp. 07-08. Case File No. 004-D5/92/1, Victim Support Section on Civil Party **SEY Sang**, 29 June 2011, p. 02.
- <sup>1646</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 10.
- <sup>1647</sup> Case File No. 004-D1.3.10.15, DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, p. 23 (the Office of the Co-Prosecutors' witness-00304 saw one to four truck load of victims being transported from the West Zone along National Road No. 5. to be killed every day).
- <sup>1648</sup> Case File No. 004-D5/95/1, Victim Support Section's Report on Civil Party **TEAV Vieng**, 29 June 2011, p. 03.
- <sup>1649</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 10.
- <sup>1650</sup> Case File No. 004-D5/1151/1, Victim Support Section's Report on Civil Party **SOEUNG Meas** 30 August 2015, p. 02.
- <sup>1651</sup> Case File No. 004-D1.3.11.23, Written Record of Interview of **KIM Heng** by the Office of the Co-Prosecutors-00034, 03 August 2008, p. 09 (Survivor from Pou Langka Pagoda, who were detained there with 60 other prisoners, says that between 14 to 15 people were killed in half a month. He was detained in the prison and he has shown "many burial craves" in front of the pagoda where people were taken to be killed). The witness further elaborates that Pou Langka Pagoda may have been a prison for Sector 4 of the Northwest Zone because the prisoners were from various districts in Sector 4.
- <sup>1652</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 04-05.
- <sup>1653</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 05.
- <sup>1654</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, p. 05.
- <sup>1655</sup> Case File No. 004-D219/25, Written Record of Interview of Civil Party Applicant **SÂ Samai**, 09 October 2014, pp. 09-10. Case File No. 004-D118/298, Written Record of Interview of Civil Party Applicant **KHIEM Bau**, 01 September 2014, p. 09.
- <sup>1656</sup> Case File No. 004-D219/25, Written Record of Interview of Civil Party Applicant **SÂ Samai**, 09 October 2014, p. 10.
- <sup>1657</sup> Case File No. 004-D219/61, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 05.
- <sup>1658</sup> Case File No. 004-D5/1123/1, Victim Support Section's Report on Civil Party **VĂN Chea**, 31 July 2014, p. 03.
- <sup>1659</sup> Case File No. 004-D118/298, Written Record of Interview of Civil Party Applicant **KHIEM Bau**, 01 September 2014, p. 11.
- <sup>1660</sup> Case File No. 004-D1.3.10.15 DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, p. 23 (the Office of the Co-Prosecutors' witness-00304 who was a mobile soldier during the Khmer Rouge Regime). Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, pp. 08-09.
- <sup>1661</sup> Case File No. 004-D219/333, Written Record of Interview of Civil Party Applicant **TEAV Vieng**, 21 May 2015, pp. 07-08.
- <sup>1662</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 32.
- <sup>1663</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 16.
- <sup>1664</sup> Case File No. 004-D219/125, Written Record of Interview of Civil Party Applicant **SREY Soeum**, 16 December 2014, p. 34.

- <sup>1665</sup> Case File No. 004-**D1.3.10.15**, DC-Cam Site Identification Report (Battambang Province), 17 August 1998, p. 24.
- <sup>1666</sup> Case File No. 004-**D1.3.10.15** DC-Cam Report, Mapping Project: Battambang Province, August 1998 and December 1998, p. 24 (Estimation by witness of the Office of the Co-Prosecutors-00305: Survivors from Wat Pou Langka Prison).
- <sup>1667</sup> Case File No. 004-**D219/63**, Written Record of Interview of Civil Party Applicant **SAO Sokh**, 17 October 2014, pp. 13-14. (The witness was unclear about the full name of a person called Tith; he was a base person and was in charge of managing worksites and people). Case File No. 004-**D219/61**, Written Record of Interview of Witness **CHHAOM Soda**, 30 October 2014, p. 10. Case File No. 004-**D118/240**, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 13. Case File No. 004-**D118/298**, Written Record of Interview of Civil Party Applicant **KHIEM Bau**, 01 September 2014, p. 21.
- <sup>1668</sup> Case File No. 004-**D219/798**, Written Record of Interview of Witness **NGĪN Chheuy**, 20 July 2016, p. 10.
- <sup>1669</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, p. 13. Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 05. Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, pp. 04, 09.
- <sup>1670</sup> Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 12. Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, pp. 04, 09.
- <sup>1671</sup> Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, pp. 04, 09.
- <sup>1672</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 03-07.
- <sup>1673</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, p. 08.
- <sup>1674</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 03-04,07. Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 12.
- <sup>1675</sup> Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, p. 05.
- <sup>1676</sup> Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 14.
- <sup>1677</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, p. 07.
- <sup>1678</sup> Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, pp. 06-07.
- <sup>1679</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 09-10.
- <sup>1680</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 09-10.
- <sup>1681</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, p. 10.
- <sup>1682</sup> Case File No. 004-**D219/42**, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, pp. 12-13.
- <sup>1683</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 14-16.
- <sup>1684</sup> Case File No. 004-**D219/3**, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, pp. 14-16.
- <sup>1685</sup> Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, p. 12.
- <sup>1686</sup> Case File No. 004-**D219/46**, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, p. 12.

- <sup>1687</sup> Case File No. 004-D219/42, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 14.
- <sup>1688</sup> Case File No. 004-D219/42, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, pp. 14-16. Case File No. 004-D219/46, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, p. 13.
- <sup>1689</sup> Case File No. 004-D219/46, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, pp. 09-10.
- <sup>1690</sup> Case File No. 004-D219/42, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, pp. 12-13.
- <sup>1691</sup> Case File No. 004-D219/3, Written Record of Interview of Civil Party Applicant **KEU Seung**, 10 September 2014, p. 19. Case File No. 004-D219/42, Written Record of Interview of Civil Party Applicant **CHOECH Sopha**, 13 October 2014, p. 12.
- <sup>1692</sup> Case File No. 004-D219/46, Written Record of Interview of Civil Party Applicant **SAOM Vanna**, 17 October 2014, p. 07.
- <sup>1693</sup> Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 09. Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 06. Case File No. 004-D219/58, Written Record of Interview of Civil Party Applicant **YIM Sovän**, 03 November 2014, p. 03. Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 08.
- <sup>1694</sup> Case File No. 004-D219/555, Written Record of Interview of Civil Party **KÈ Tin**, 22 October 2015, p. 11.
- <sup>1695</sup> Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 12. Case File No. 004-D219/265, Written Record of Interview of Witness **KHIM Sarun**, 06 April 2015, p. 06. Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 12. Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 15. Case File No. 004-D2.1.84b, Summary of the Application of **EAR Roth**, 29 June 2009, p. 01.
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- <sup>1699</sup> Case File No. 004-D5/829/1, Report on Civil Party Application of **KÈV Horn**, 09 October 2012, p. 01-02.
- <sup>1700</sup> Case File No. 004-D219/58, Written Record of Interview of Civil Party Applicant **YIM Sovän**, 03 November 2009, p. 05.
- <sup>1701</sup> Case File No. 004-D219/266, Written Record of Interview of Civil Party **PÈN Seth**, 07 April 2015, p. 07.
- <sup>1702</sup> Case File No. 004-D219/555, Written Record of Interview of Civil Party **KÈ Tin**, 22 October 2015, p. 17.
- <sup>1703</sup> Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 12.
- <sup>1704</sup> Case File No. 004-D1.3.27.11, Report from Henri Locard entitled “Northwest Zone”, May 2007, p. 39 (information from former prisoners of Prison No. 8 who were detained there for 2 years and half).
- <sup>1705</sup> Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 16.
- <sup>1706</sup> Case File No. 004-D219/555, Written Record of Interview of Civil Party **KÈ Tin**, 22 October 2015, p. 11. Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015,

- p. 06. Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, pp. 04-05. Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 17. Case File No. 004-**D6.1.761**, Written Record of Interview of Civil Party Applicant **YIM Sovăn**, 27 August 2009, p. 08. Case File No. 004-**D5/829/1**, Report on Civil Party Application of **KÈV Horn**, 09 October 2012, p. 02. Case File No. 004-**D6.1.161**, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, p. 03. Case File No. 004-**D2.1.84b**, Summary of the Application of **EAR Roth**, 29 June 2009, p. 01.
- <sup>1707</sup> Case File No. 004-**D219/279**, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 12.
- <sup>1708</sup> Case File No. 004-**D219/279**, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 15.
- <sup>1709</sup> Case File No. 004-**D219/555**, Written Record of Interview of Civil Party **KÈ Tin**, 22 October 2015, p. 12.
- <sup>1710</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 07.
- <sup>1711</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 09. Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, p. 06. Case File No. 004-**D219/554**, Written Record of Interview of Civil Party **NGÈT Kuon**, 21 October 2015, p. 12.
- <sup>1712</sup> Case File No. 004-**D219/554**, Written Record of Interview of Civil Party **NGÈT Kuon**, 21 October 2015, p. 10.
- <sup>1713</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 11.
- <sup>1714</sup> Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, pp. 04-05. Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 17.
- <sup>1715</sup> Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, p. 05.
- <sup>1716</sup> Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 18.
- <sup>1717</sup> Case File No. 004-**D219/183**, Written Record of Interview of Witness **SOKH Khân**, 11 February 2015, p. 15.
- <sup>1718</sup> Case File No. 004-**D219/265**, Written Record of Interview of Witness **KHIM Sarun**, 06 April 2015, p. 09.
- <sup>1719</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 12.
- <sup>1720</sup> Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 18. Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 07.
- <sup>1721</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 07.
- <sup>1722</sup> Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 18.
- <sup>1723</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 12.
- <sup>1724</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Northwest Zone”, May 2007, p. 40.
- <sup>1725</sup> Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, p. 04.
- <sup>1726</sup> Case File No. 004-**D219/58**, Written Record of Interview of Civil Party **YIM Sovăn**, 03 November 2009, p. 04.
- <sup>1727</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 09.

- <sup>1728</sup> Case File No. 004-D219/58, Written Record of Interview of Civil Party **YIM Sovän**, 03 November 2009, p. 07.
- <sup>1729</sup> Case File No. 004-D219/526, Written Record of Interview of Civil Party **TEP Hocun**, 22 September 2015, p. 08.
- <sup>1730</sup> Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 15.
- <sup>1731</sup> Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 11. Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 13. Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 18. Case File No. 004-D219/554, Written Record of Interview of Civil Party **NGÈT Kuon**, 21 October 2015, p. 13.
- <sup>1732</sup> Case File No. 004-D1.3.27.11, Report from Henri Locard entitled “Northwest Zone”, May 2007, p. 40.
- <sup>1733</sup> Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 11.
- <sup>1734</sup> Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 08.
- <sup>1735</sup> Case File No. 004-D219/266, Written Record of Interview of Civil Party **PÈN Seth**, 07 April 2015, p. 10.
- <sup>1736</sup> Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, pp. 08-09. Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 21.
- <sup>1737</sup> Case File No. 004-D219/526, Written Record of Interview of Civil Party **TEP Hocun**, 22 September 2015, p. 07.
- <sup>1738</sup> Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 21.
- <sup>1739</sup> Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 09.
- <sup>1740</sup> Case File No. 004-D219/554, Written Record of Interview of Civil Party **NGÈT Kuon**, 21 October 2015, p. 12.
- <sup>1741</sup> Case File No. 004-D219/340, Written Record of Interview of Witness **KE Y**, 26 May 2015, p. 11.
- <sup>1742</sup> Case File No. 004-D219/58, Written Record of Interview of Civil Party **YIM Sovän**, 03 November 2009, p. 10.
- <sup>1743</sup> Case File No. 004-D219/526, Written Record of Interview of Civil Party **TEP Hocun**, 22 September 2015, p. 08. Case File No. 004-D219/265, Written Record of Interview of Witness **KHIM Sarun**, 06 April 2015, p. 09. Case File No. 004-D219/58, Written Record of Interview of Civil Party **YIM Sovän**, 03 November 2009, pp. 05, 10.
- <sup>1744</sup> Case File No. 004-D219/553, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 20.
- <sup>1745</sup> Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 07.
- <sup>1746</sup> Case File No. 004-D219/265, Written Record of Interview of Witness **KHIM Sarun**, 06 April 2015, p. 09.
- <sup>1747</sup> Case File No. 004-D219/526, Written Record of Interview of Civil Party **TEP Hocun**, 22 September 2015, pp. 08, 10.
- <sup>1748</sup> Case File No. 004-D6.1.761, Written Record of Interview of Civil Party Applicant **YIM Sovän**, 27 August 2009, p. 08. Case File No. 004-D5/829/1, Report on Civil Party Application of **KÈV Horn**, 09 October 2012, p. 02. Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngghorn**, 11 June 2008, p. 3. Case File No. 004-D2.1.84b, Summary of the Application of **EAR Roth**, 29 June 2009, p. 01.
- <sup>1749</sup> Case File No. 004-D219/58, Written Record of Interview of Civil Party **YIM Sovän**, 03 November 2014, p. 08.
- <sup>1750</sup> Case File No. 004-D219/279, Written Record of Interview of Witness **KOU Molly**, 24 April 2015, p. 15.
- <sup>1751</sup> Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 11.

- <sup>1752</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Northwest Zone”, May 2007, pp. 40-41 (the witness describes how “65 people were killed. First, they were beaten from behind across the neck by axle of a cart, or axe, or hoe head. The victims then were unconscious. As for children and old people, they were killed in the morning. The witness were “held at gunpoint” to bury the dead bodies).
- <sup>1753</sup> Case File No. 004-**D219/553**, Written Record of Interview of Civil Party **KY Pengly**, 20 October 2015, p. 17.
- <sup>1754</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 10.
- <sup>1755</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 10.
- <sup>1756</sup> Case File No. 004-**D219/555**, Written Record of Interview of Civil Party **KÈ Tin**, 22 October 2015, p. 18.
- <sup>1757</sup> Case File No. 004-**D219/526**, Written Record of Interview of Civil Party **TEP Hoeun**, 22 September 2015, p. 08.
- <sup>1758</sup> Case File No. 004-**D6.1.161**, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, p. 03.
- <sup>1759</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Northwest Zone”, May 2007, p. 40.
- <sup>1760</sup> Case File No. 004-**D134/6**, Site Identification Report, 17 September 2013, p. 01. Case File No. 004-**D134/1**, Written Record of Interview of Witness **UNG Chhät**, 03 September 2013, p. 03.
- <sup>1761</sup> Case File No. 004-**D134/6**, Site Identification Report, 17 September 2013, p. 01.
- <sup>1762</sup> Case File No. 004-**D134/6**, Site Identification Report, 17 September 2013, p. 01.
- <sup>1763</sup> Case File No. 004-**D134/6**, Site Identification Report, 17 September 2013, p. 02.
- <sup>1764</sup> Case File No. 004-**D65**, Co-Prosecutors’ Supplementary Submission regarding Sector 1 Crime Sites and Persecution of Khmer Krom, para. 19, p. 10. Case File No. 004-**D6.1.145**, Written Record of Interview of Witness **UNG Chhät**, 31 January 2009, p. 11.
- <sup>1765</sup> Case File No. 004-**D219/183**, Written Record of Interview of Witness **SOKH Khân**, 11 February 2015, p. 16.
- <sup>1766</sup> Case File No. 004-**D134/1**, Written Record of Interview of Witness **UNG Chhät**, 03 September 2013, p. 03.
- <sup>1767</sup> Case File No. 004-**D134/1**, Written Record of Interview of Witness **UNG Chhät**, 03 September 2013, p. 03.
- <sup>1768</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 12.
- <sup>1769</sup> Case File No. 004-**D6.1.145**, Written Record of Interview of Witness **UNG Chhät**, 31 January 2009, p. 10. Case File No. 004-**D134/3**, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 10. Case File No. 004-**D134/5**, Written Record of Interview of Witness **HUOT Moeng** alias **SAT Sokhom** alias **Moeng**, 16 September 2013, p. 06.
- <sup>1770</sup> Case File No. 004-**D134/1**, Written Record of Interview of Witness **UNG Chhät**, 03 September 2013, p. 07.
- <sup>1771</sup> Case File No. 004-**D134/5**, Written Record of Interview of Witness **HUOT Moeng** alias **SAT Sokhom** alias **Moeng**, 16 September 2013, p. 06.
- <sup>1772</sup> Case File No. 004-**D6.1.145**, Written Record of Interview of Witness **UNG Chhät**, 31 January 2009, p. 10.
- <sup>1773</sup> Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 13.
- <sup>1774</sup> Case File No. 004-**D134/3**, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, pp. 10-11. Case File No. 004-**D219/182**, Written Record of Interview of Witness **UON Heav**, 10 February 2015, pp. 12-13. Case File No. 004-**D6.1.145**, Written Record of Interview of Witness **UNG Chhät**, 31 January 2009, pp. 10-11.
- <sup>1775</sup> Case File No. 004-**D134/3**, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 11.
- <sup>1776</sup> Case File No. 004-**D134/3**, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 11.

<sup>1777</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10. Case File No. 004-D134/1, Written Record of Interview of Witness **UNG Chhăt**, 03 September 2013, pp. 03, 07.

<sup>1778</sup> Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, pp. 12-13.

<sup>1779</sup> Case File No. 004-D134/5, Written Record of Interview of Witness **HUOT Moeng** alias SAT Sokhom alias Moeng, 16 September 2013, p. 06. Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, pp. 10-11.

<sup>1780</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1781</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10. Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 13.

<sup>1782</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1783</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1784</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1785</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1786</sup> Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1787</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 10.

<sup>1788</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 10. Case File No. 004-D134/1, Written Record of Interview of Witness **UNG Chhăt**, 03 September 2013, p. 07.

<sup>1789</sup> Case File No. 004-D134/1, Written Record of Interview of Witness **UNG Chhăt**, 03 September 2013, p. 07.

<sup>1790</sup> Case File No. 004-D219/182, Written Record of Interview of Witness **UON Heav**, 10 February 2015, p. 12.

<sup>1791</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 10.

<sup>1792</sup> Case File No. 004-D134/3, Written Record of Interview of Witness **SAT Chhang**, 05 September 2013, p. 10. Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 10.

<sup>1793</sup> Case File No. 004-D219/369, Written Record of Interview of Witness **HOK Chhăt**, 19 June 2015, p. 06. Case File No. 004-D118/23, Written Record of Interview of Witness **TOEM Phâl** alias Chrunh, 24 December 2013, p. 05. Case File No. 004-D219/100, Written Record of Interview of Witness **OENG Dèn** alias **SĂCH Dèn**, 28 November 2014, p. 09.

<sup>1794</sup> Case File No. 004-D219/466, Written Record of Interview of Witness **TIM Phoun**, 17 August 2015, p. 07.

<sup>1795</sup> Case File No. 004-D118/22, Written Record of Interview of Witness **TUN Soun**, 20 February 2013, p. 04. Case File No. 004-D118/301, Written Record of Interview of Witness **KHOEM Sorn**, 01 September 2014, p. 13. Case File No. 004-D219/100, Written Record of Interview of Witness **OENG Dèn** alias **SĂCH Dèn**, 28 November 2014, p. 09. Case File No. 004-D118/303, Written Record of Interview of Witness **LI Chhuon**, 03 September 2014, p. 08.

<sup>1796</sup> Case File No. 004-D118/20, Written Record of Interview of Witness **TIM Phoun**, 19 February 2013, p. 04. Case File No. 004-D118/301, Written Record of Interview of Witness **KHOEM Sorn**, 01 September 2014, p. 13. Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vêt**, 01 September 2015, p. 28. Case File No. 004-D219/466, Written Record of Interview of Witness **TIM Phoun**, 17 August 2015, p. 11. Case File No. 004-D118/33, Written Record of Interview of Witness **ĂM Kun**, 10 April 2013, p. 04.

- <sup>1797</sup> Case File No. 004-D11, Written Record of Interview of Witness **TIM Phuon**, 06 May 2011, p. 02. Case File No. 004-D118/20, Written Record of Interview of Witness **TIM Phuon**, 19 February 2013, pp. 03-04. Case File No. 004-D219/466, Written Record of Interview of Witness **TIM Phuon**, 17 August 2015, p. 12.
- <sup>1798</sup> Case File No. 004-D11, Written Record of Interview of Witness **TIM Phuon**, 06 May 2011, p. 02. Case File No. 004-D118/20, Written Record of Interview of Witness **TIM Phuon**, 19 February 2013, pp. 03-04. Case File No. 004-D219/466, Written Record of Interview of Witness **TIM Phuon**, 17 August 2015, p. 12.
- <sup>1799</sup> Case File No. 004-D118/301, Written Record of Interview of Witness **KHOEM Sorn**, 01 September 2014, p. 05.
- <sup>1800</sup> Case File No. 004-D118/301, Written Record of Interview of Witness **KHOEM Sorn**, 01 September 2014, p. 05.
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- <sup>1803</sup> Case File No. 004-D118/301, Written Record of Interview of Witness **KHOEM Sorn**, 01 September 2014, pp. 04-07.
- <sup>1804</sup> Case File No. 004-D118/111, Written Record of Interview of Witness **LI Chhuon**, 15 October 2013, p. 06.
- <sup>1805</sup> Case File No. 004-D219/326, Written Record of Interview of Witness **HAO Yân**, 22 May 2015, p. 09. Case File No. 004-D118/33, Written Record of Interview of Witness **ÂM Kun**, 10 April 2013, p. 06.
- <sup>1806</sup> Case File No. 004-D118/20, Written Record of Interview of Witness **TIM Phuon**, 19 February 2013, p. 05.
- <sup>1807</sup> Case File No. 004-D118/269 Written Record of Interview of Civil Party Applicant **THĂN Thim**, 02 July 2014, pp. 04, 19.
- <sup>1808</sup> Case File No. 004-D118/269 Written Record of Interview of Civil Party Applicant **THĂN Thim**, 02 July 2014, p. 19.
- <sup>1809</sup> Case File No. 004-D118/131, Written Record of Interview of Civil Party **SĂN Touch**, 30 October 2013, pp. 11-12.
- <sup>1810</sup> Case File No. 004-D118/131, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 11.
- <sup>1811</sup> Case File No. 004-D118/131, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 11.
- <sup>1812</sup> Case File No. 004-D118/131, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 11.
- <sup>1813</sup> Case File No. 004-D219/488, Written Record of Interview of Witness **MOENG Vēt**, 01 September 2015, p. 28.
- <sup>1814</sup> Case File No. 004-D118/131, Written Record of Interview of Civil Party Applicant **SĂN Touch**, 30 October 2013, p. 12. Case File No. 004-D118/269 Written Record of Interview of Civil Party Applicant **THĂN Thim**, 02 July 2014, p. 20.
- <sup>1815</sup> Case File No. 004-D118/35, Site Identification Report, Anglong Voar Breng Worksite and Chhnal Moan Killing Site, located in Ruessei Preah Village, Chhnal Moan Commune, Koas Krala District, Battambang Province, Sector 1, Northwest Zone, 04 March 2013, pp. 01, 07. Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, pp. 03, 07. Case File No. 004-D118/37, Site Identification Report, Koas Krala Killing Sites and Security Centre, located in Ruessei Preah Village, Chhnal Moan Commune, Koas Krala District, Battambang Province, Sector 1, Northwest Zone, 10 March 2013, p. 02. Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 03. Case File No. 004-D219/254, Written Record of Interview of Witness **RI Râmng alias RY Sarâng**, 31 March 2015, p. 07. Case File No. 004-D219/441, Written Record of Interview of Witness **RĂNG RI**, 03 August 2015, p. 10.

- <sup>1816</sup> Case File No. 004-D219/254, Written Record of Interview of Witness **RI Râmġ** alias **RY Sarâng**, 31 March 2015, p. 07.
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- <sup>1818</sup> Case File No. 004-D118/35, Site Identification Report, Anglong Voar Breng Worksite and Chhnal Moan Killing Site, located in Ruessei Preah Village, Chhnal Moan Commune, Koas Krala District, Battambang Province, Sector 1, Northwest Zone, 04 March 2013, p. 04.
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- <sup>1821</sup> Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 03.
- <sup>1822</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 05.
- <sup>1823</sup> Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 06.
- <sup>1824</sup> Case File No. 004-D118/3, Written Record of Interview of Witness **PEK Ēm**, 09 January 2013, p. 03.
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- <sup>1827</sup> Case File No. 004-D118/6, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 03. Case File No. 004-D219/550, Written Record of Interview of Witness **PEK Em**, 09 October 2015, p. 04.
- <sup>1828</sup> Case File No. 004-D219/550, Written Record of Interview of Witness **PEK Em**, 09 October 2015, p. 04.
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- <sup>1858</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Rèm**, 12 November 2014, p. 05.
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- <sup>1869</sup> Case File No. 004-**D118/7**, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, p. 04. Case File No. 004-**D219/71**, Written Record of Interview of Witness **LIN Nhĕk**, 19 November 2014, p. 12. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN PhĀlli**, 14 January 2015, p. 04. Case File No. 004-**D219/312**, Written Record of Interview of Witness **BĀNG Thai**, 13 May 2015, p. 10. Case File No. 004-**D219/417**, Written Record of Interview of Witness **MEAS Proeung**, 14 July 2015, p. 11.
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<sup>1878</sup> Case File No. 004-**D219/71**, Written Record of Interview of Witness **LIN Nhāk**, 19 November 2014, pp. 07-08. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN Phālli**, 14 January 2015, p. 05.

<sup>1879</sup> Case File No. 004-**D219/71**, Written Record of Interview of Witness **LIN Nhāk**, 19 November 2014, p. 08. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN Phālli**, 14 January 2015, p. 05.

<sup>1880</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN Phālli**, 14 January 2015, p. 04.

<sup>1881</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05.

<sup>1882</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 04.

<sup>1883</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 04.

<sup>1884</sup> Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, pp. 11-12. Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 04. Case File No. 004-**D118/7**, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, pp. 04-05. Case File No. 004-**D219/63**, Written Record of Interview of Civil Party Applicant **SĂO Sokh**, 13 November 2014, pp. 05, 15-16. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN Phālli**, 14 January 2015, p. 04. Case File No. 004-**D219/417**, Written Record of Interview of Witness **MEAS Proeung**, 14 July 2015, p. 11. Case File No. 004-**D219/414**, Written Record of Interview of Witness **MĂO Hieng**, 10 July 2018, p. 10.

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<sup>1887</sup> Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 12.

<sup>1888</sup> Case File No. 004-**D118/7**, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, pp. 04-05.

<sup>1889</sup> Case File No. 004-**D118/7**, Written Record of Interview of Civil Party Applicant **CHEA ChanTi**, 15 January 2013, pp. 04-05.

<sup>1890</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05.

<sup>1891</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05.

<sup>1892</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05.

<sup>1893</sup> Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 05.

<sup>1894</sup> Case File No. 004-**D219/417**, Written Record of Interview of Witness **MEAS Proeung**, 14 July 2015, pp. 13-14.

<sup>1895</sup> Case File No. 004-**D219/417**, Written Record of Interview of Witness **MEAS Proeung**, 14 July 2015, p. 12.

<sup>1896</sup> Case File No. 004-**D219/310 71**, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 08.

<sup>1897</sup> Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 17. Case File No. 004-**D118/17**, Written Record of Interview of Witness **KREP Raun**, 12 February 2013, p. 04. Case File No. 004-**D219/143**, Written Record of Interview of Witness **AUN Phālli**, 14 January 2015, p. 07. Case File No. 004-**D219/310**, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 09. Case File No. 004-**D219/312**, Written Record of Interview of Witness **BĂNG Thai**, 13 May 2015, p. 11. Case File No. 004-**D219/417**, Written Record of Interview of Witness

**MEAS Proeung**, 14 July 2015, p. 15. Case File No. 004-**D219/414**, Written Record of Interview of Witness **MĂO Hieng**, 10 July 2018, p. 09.

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<sup>1899</sup> Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, p. 04.

<sup>1900</sup> Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 08.

<sup>1901</sup> Case File No. 004-**D219/65**, Written Record of Interview of Witness **SEA Korn**, 12 November 2014, p. 10. Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 08.

<sup>1902</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Raem**, 12 November 2014, pp. 10-11. Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, pp. 08-09.

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<sup>1904</sup> Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, p9. 09-10.

<sup>1905</sup> Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 08. Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, pp. 04-05. Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, p. 04.

<sup>1906</sup> Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, pp. 04-05.

<sup>1907</sup> Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, p. 04. Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, pp. 09-10. Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, pp. 07-08.

<sup>1908</sup> Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, pp. 04, 06. Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, pp. 03, 09. Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, pp. 043-05. Case File No. 004-**D1.3.10.15**, DC-Cam Report on Districts in Battambang Province, p. 34.

<sup>1909</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Raem**, 12 November 2014, p. 11. Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, p. 11.

<sup>1910</sup> Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, p. 05.

<sup>1911</sup> Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, p. 09.

<sup>1912</sup> Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, p. 07.

<sup>1913</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Raem**, 12 November 2014, p. 10. Case File No. 004-**D219/65**, Written Record of Interview of Witness, 12 November 2014, p. 10. Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, pp. 04, 06. Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, p. 09. Case File No. 004-**D219/573**, Written Record of Interview of Witness **KIET Prâm**, 28 October 2015, p. 04.

<sup>1914</sup> Case File No. 004-**D219/65**, Written Record of Interview of Witness **SEA Korn**, 12 November 2014, p. 10. Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, pp. 04, 06. Case File No. 004-**D1.3.10.15**, DC-Cam Report on Districts in Battambang Province, p. 34.

<sup>1915</sup> Case File No. 004-**D219/64**, Written Record of Interview of Witness **PEOU Koeun** alias **PEOU Raem**, 12 November 2014, p. 12. Case File No. 004-**D118/69**, Written Record of Interview of Witness

**NUON Muon**, 30 May 2013, p. 07. Case File No. 004-**D219/569**, Written Record of Interview of Witness **NUON Muon**, 25 October 2015, pp. 06-07. Case File No. 004-**D219/571**, Written Record of Interview of Witness **CHHOENG Yi**, 27 October 2015, p. 03. Case File No. 004-**D1.3.10.15**, DC-Cam Report on Districts in Battambang Province, p. 34.

<sup>1916</sup> Case File No. 004-**D118/18**, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 04.

<sup>1917</sup> Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 26-27.

<sup>1918</sup> Case File No. 004-**D118/5**, Written Record of Interview of Witness **TUM Pheuy**, 12 January 2013, p. 08-09. Case File No. 004-**D118/69**, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 04. Case File No. 004-**D118/295**, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 07. Case File No. 004-**D219/117**, Written Record of Interview of Witness **TOP Seung**, 08 December 2014, pp. 18-19. Case File No. 004-**D219/68**, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 12. Case File No. 004-**D219/172**, Written Record of Interview of Witness **TAUCH Bunthei**, 12 February 2015, p. 12.

<sup>1919</sup> Case File No. 004-**D118/196**, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 06. Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 12. Case File No. 004-**D118/6**, Written Record of Interview of Witness **LAY Eng**, 14 January 2013, p. 08. Case File No. 004-**D118/231**, Written Record of Interview of Civil Party Applicant **BUOY Huoy**, 06 May 2014, p. 06. Case File No. 004-**D219/292**, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, p. 04.

<sup>1920</sup> Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 05. Case File No. 004-**D118/102**, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, p. 07.

<sup>1921</sup> Case File No. 004-**D118/18**, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-**D219/292**, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, pp. 04, 11. Case File No. 004-**D219/416**, Written Record of Interview of Witness **LIES Kung**, 12 July 2015, p. 09. Case File No. 004-**D219/982**, Written Record of Interview of Witness **SÃO Choap**, 28 April 2017, p. 06.

<sup>1922</sup> Case File No. 004-**D118/18**, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-**D118/196**, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 10. Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 04. Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 14. Case File No. 004-**D219/689**, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, pp. 25-26. Case File No. 004-**D219/388**, Written Record of Interview of Witness **ROEUNG Sopheap**, 29 June 2015, p. 04. Case File No. 004-**D219/423**, Written Record of Interview of Witness **YON Yoeun**, 17 July 2015, p. 11.

<sup>1923</sup> Case File No. 004-**D118/18**, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 04. Case File No. 004-**D118/196**, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 10. Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 04. Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 14. Case File No. 004-**D219/689**, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, pp. 25-26. Case File No. 004-**D219/388**, Written Record of Interview of Witness **ROEUNG Sopheap**, 29 June 2015, p. 04. Case File No. 004-**D219/423**, Written Record of Interview of Witness **YON Yoeun**, 17 July 2015, p. 11.

<sup>1924</sup> Case File No. 004-**D219/388**, Written Record of Interview of Witness **ROEUNG Sopheap**, 29 June 2015, p. 06.

<sup>1925</sup> Case File No. 004-**D118/221**, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 05.

<sup>1926</sup> Case File No. 004-**D118/102**, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, pp. 26-27.

<sup>1927</sup> Case File No. 004-**D118/295**, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 07. Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 12. Case File No. 004-**D219/292**, Written Record of Interview of Witness **LEK Phiev**, 04 May

2015, p. 12. Case File No. 004-D219/448, Written Record of Interview of Witness **YAT Yoeun**, 05 August 2015, p. 06.

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<sup>1929</sup> Case File No. 004-D118/196, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 10. Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 05.

<sup>1930</sup> Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 05.

<sup>1931</sup> Case File No. 004-D219/172, Written Record of Interview of Witness **TAUCH Bunthei**, 12 February 2015, p. 05. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 07.

<sup>1932</sup> Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, pp. 08-09.

<sup>1933</sup> Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 16.

<sup>1934</sup> Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 16.

<sup>1935</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 03.

<sup>1936</sup> Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 03.

<sup>1937</sup> Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, pp. 03, 06. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 10.

<sup>1938</sup> Case File No. 004-D219/689, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, p. 25.

<sup>1939</sup> Case File No. 004-D219/689, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, p. 14.

<sup>1940</sup> Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 04. Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, pp. 03-04, 06. Case File No. 004-D219/292, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, p. 11. Case File No. 004-D219/448, Written Record of Interview of Witness **YAT Yoeun**, 05 August 2015, p. 05.

<sup>1941</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D118/196, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 05. Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, p. 07. Case File No. 004-D219/548, Written Record of Interview of Witness **OENG Oeum**, 07 October 2015, p. 11. Case File No. 004-D1.3.11.36 Written Record of Interview of Witness **NUON Muon**, by the Office of the Co-Prosecutors, 02 August 2008, p. 07. Case File No. 004-D219/68, Written Record of Interview of Witness **YOEUN Chanthou**, 17 November 2014, p. 12. Case File No. 004-D219/292, Written Record of Interview of Witness **LEK Phiev**, 04 May 2015, p. 11. Case File No. 004-D219/549, Written Record of Interview of Witness **OENG Oeum**, 08 October 2015, p. 04.

<sup>1942</sup> Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 06. Case File No. 004-D118/196, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 04. Case File No. 004-D118/221, Written Record of Interview of Witness **PHĂN Yim**, 10 April 2014, p. 04. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 13, 14. Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, pp. 06-07. Case File No. 004-D219/689, Written Record of Interview of

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<sup>1943</sup> Case File No. 004-D118/290, Written Record of Interview of Witness **KUNG Vach**, 26 August 2014, p. 08.

<sup>1944</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03.

<sup>1945</sup> Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 13.

<sup>1946</sup> Case File No. 004-D118/18, Written Record of Interview of Witness **NUON Muon**, 13 February 2013, p. 03. Case File No. 004-D118/196, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 05. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, p. 13. Case File No. 004-D219/310, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 05. Case File No. 004-D219/548, Written Record of Interview of Witness **OENG Oeum**, 07 October 2015, p. 11. Case File No. 004-D219/448, Written Record of Interview of Witness **YAT Yoeun**, 05 August 2015, p. 06.

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<sup>1948</sup> Case File No. 004-D118/295, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 07.

<sup>1949</sup> Case File No. 004-D219/310, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 05.

<sup>1950</sup> Case File No. 004-D219/310, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 05.

<sup>1951</sup> Case File No. 004-D118/69, Written Record of Interview of Witness **NUON Muon**, 30 May 2013, p. 06.

<sup>1952</sup> Case File No. 004-D118/102, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, p. 26.

<sup>1953</sup> Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 08, 16.

<sup>1954</sup> Case File No. 004-D219/548, Written Record of Interview of Witness **OENG Oeum**, 07 October 2015, p. 09. Case File No. 004-D219/142, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 10, 15, 17. Case File No. 004-D219/310, Written Record of Interview of Witness **VOAN Samut**, 09 May 2015, p. 05. Case File No. 004-D219/388, Written Record of Interview of Witness **ROEUNG Sopheap**, 29 June 2015, p. 12. Case File No. 004-D118/196, Written Record of Interview of Witness **ROEUNG Sopheap**, 13 March 2014, p. 07. Case File No. 004-D219/689, Written Record of Interview of Witness **SOKH Cheat**, 17 February 2016, p. 07. Case File No. 004-D219/448, Written Record of Interview of Witness **YAT Yoeun**, 05 August 2015, p. 04.

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- <sup>1957</sup> Case File No. 004-**D219/142**, Written Record of Interview of Witness **TEP Sarun**, 13 January 2015, pp. 17-18.
- <sup>1958</sup> Case File No. 004-**D219/453**, Written Record of Interview of Witness **YAT Yoeun**, 10 August 2015, p. 07.
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- <sup>1963</sup> Case File No. 004-**D219/763**, Written Record of Interview of Witness **SĂO Choap**, 17 May 2016, p. 22.
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- <sup>1971</sup> Case File No. 004-**D118/281**, Written Record of Interview of Witness **KĒV Sokha**, 29 July 2014, pp. 04-05.
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- <sup>1973</sup> Case File No. 004-**D118/295**, Written Record of Interview of Witness **SUM Voeut**, 23 August 2014, p. 09.
- <sup>1974</sup> Case File No. 004-**D219/263**, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, p. 12.
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- <sup>1976</sup> Case File No. 004-**D118/136**, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, p. 06.
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<sup>1981</sup> Case File No. 004-D118/271, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06.

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<sup>1983</sup> Case File No. 004-D219/894, Written Record of Interview of Witness **KĂO Porn**, 14 January 2017, p. 06.

<sup>1984</sup> Case File No. 004-D118/243, Written Record of Interview of Witness **CHHAM Luy**, 22 May 2014, p. 04.

<sup>1985</sup> Case File No. 004-D118/243, Written Record of Interview of Witness **CHHAM Luy**, 22 May 2014, p. 05. Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, p. 10.

<sup>1986</sup> Case File No. 004-D118/243, Written Record of Interview of Witness **CHHAM Luy**, 22 May 2014, p. 05. Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, pp. 10-11.

<sup>1987</sup> Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, pp. 07, 14-15. Case File No. 004-D118/271, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06.

<sup>1988</sup> Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, p. 11.

<sup>1989</sup> Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, p. 11. Case File No. 004-D118/243, Written Record of Interview of Witness **CHHAM Luy**, 22 May 2014, p. 05.

<sup>1990</sup> Case File No. 004-D118/136, Written Record of Interview of Witness **CHHEAN Hea**, 30 October 2013, p. 07.

<sup>1991</sup> Case File No. 004-D118/243, Written Record of Interview of Witness **CHHAM Luy**, 22 May 2014, pp. 04-05. Case File No. 004-D118/271, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014.

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<sup>1993</sup> Case File No. 004-D219/263, Written Record of Interview of Witness **CHHAM Luy**, 08 April 2015, p. 06.

<sup>1994</sup> Case File No. 004-D118/271, Written Record of Interview of Witness **CHHEAN Hea**, 07 July 2014, p. 06. Case File No. 004-D118/245, Written Record of Interview of Witness **CHUON Thân**, 26 May 2014, p. 03. Case File No. 004-D118/299, Written Record of Interview of Witness **CHUON Thân**, 04 September 2014, p. 04.

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- <sup>2024</sup> Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 02. Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 10.
- <sup>2025</sup> Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 06. Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 03. Case File No. 004-D118/176, Written Record of Interview of Witness **SIM Vooun**, 06 February 2014, p. 14.
- <sup>2026</sup> Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 03. Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, pp. 04-05. Case File No. 004-D118/178, Written Record of Interview of Civil Party Applicant **MOUL Van**, 07 February 2014, p. 09. Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 12-14. Case File No. 004-D118/194, Written Record of Interview of Civil Party Applicant **RUOS Narin**, 28 February 2014, p. 09. Case File No. 004-D118/234, Written Record of Interview of Witness **TUM Nga**, 13 May 2014, p. 10. Case File No. 004-D219/16 Written Record of Interview of Civil Party Applicant **MEM NhorNha**, 08 September 2014, pp. 18-19.
- <sup>2027</sup> Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 06. Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 09.
- <sup>2028</sup> Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 02.
- <sup>2029</sup> Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 02.
- <sup>2030</sup> Case File No. 004-D118/234, Written Record of Interview of Witness **TUM Nga**, 13 May 2014, p. 08. Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 09.
- <sup>2031</sup> Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 06.
- <sup>2032</sup> Case File No. 004-D118/176, Written Record of Interview of Witness **SIM Vooun**, 06 February 2014, p. 12.
- <sup>2033</sup> Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 06.
- <sup>2034</sup> Case File No. 004-D118/16 Site Identification Report, 25 January 2013, p. 03. Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 08.
- <sup>2035</sup> Case File No. 004-D118/16, Site Identification Report, 25 January 2013, p. 03. Case File No. 004-D118/174, Written Record of Interview of Witness **IM Pum**, 04 February 2014, p. 08.
- <sup>2036</sup> Case File No. 004-D118/176, Written Record of Interview of Witness **SIM Vooun**, 06 February 2014, p. 14.
- <sup>2037</sup> Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 11.
- <sup>2038</sup> Case File No. 004-D118/234, Written Record of Interview of Witness **TUM Nga**, 13 May 2014, p. 09.
- <sup>2039</sup> Case File No. 004-D118/234, Written Record of Interview of Witness **TUM Nga**, 13 May 2014, p. 09.
- <sup>2040</sup> Case File No. 004-D219/241, Written Record of Interview of Witness **ÂM Sokhon** alias Khon, 26 March 2015, p. 08.

<sup>2041</sup> Case File No. 004-D219/241, Written Record of Interview of Witness **ÂM Sokhon alias Khon**, 26 March 2015, p. 09.

<sup>2042</sup> Case File No. 004-D118/176, Written Record of Interview of Witness **SIM Vooun**, 06 February 2014, p. 16. Case File No. 004-D118/178, Written Record of Interview of Civil Party Applicant **MOUL Van**, 07 February 2014, p. 17. Case File No. 004-D118/190, Written Record of Interview of Witness **MAE Peou**, 25 February 2014, p. 15. Case File No. 004-D118/194, Written Record of Interview of Civil Party Applicant **RUOS Narin**, 28 February 2014, p. 14. Case File No. 004-D219/241, Written Record of Interview of Witness **ÂM Sokhon alias Khon**, 26 March 2015, p. 21.

<sup>2043</sup> Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, p. 17. Case File No. 004-D118/246, Written Record of Interview of Witness **MEAS Vooun alias SVAY Vooun**, 24 May 2014, p. 13. Case File No. 004-D118/248, Written Record of Interview of Civil Party Applicant **LY Lonn**, 30 May 2014, p. 14. Case File No. 004-D6.1.759, Written Record of Interview of Civil Party Applicant **SONG Kimsuor**, 01 October 2009, p. 05.

<sup>2044</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 14.

<sup>2045</sup> Case File No. 004-D118/238, Written Record of Interview of Witness **KOL Sèt**, 16 May 2014, p. 14. Case File No. 004-D118/198, Written Record of Interview of Civil Party Applicant **CHHIM Srorn**, 11 March 2014, p. 08. Case File No. 004-D219/8, Written Record of Interview of Witness **YĂNG Sokhom**, 15 September 2014, p. 20.

<sup>2046</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 13.

<sup>2047</sup> Case File No. 004-D118/238, Written Record of Interview of Witness **KOL Sèt**, 16 May 2014, p. 14. Case File No. 004-D219/338, Written Record of Interview of Civil Party Application of **HÈNG Mei**, 25 May 2015, p. 17. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 10. Case File No. 004-D219/8, Written Record of Interview of Witness **YĂNG Sokhom**, 15 September 2014, p. 20. Case File No. 004-D118/198, Written Record of Interview of Civil Party Applicant **CHHIM Srorn**, 11 March 2014, p. 08.

<sup>2048</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 13.

<sup>2049</sup> Case File No. 004-D118/248, Written Record of Interview of Civil Party Applicant **LY Lonn**, 30 May 2014, p. 14.

<sup>2050</sup> Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, p. 17.

<sup>2051</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 13. Case File No. 004-D118/238, Written Record of Interview of Witness **KOL Sèt**, 16 May 2014, p. 14. Case File No. 004-D118/248, Written Record of Interview of Civil Party Applicant **LY Lonn**, 30 May 2014, p. 14. Case File No. 004-D219/8, Written Record of Interview of Witness **YĂNG Sokhom**, 15 September 2014, p. 20. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 09. Case File No. 004-D6.1.759, Written Record of Interview of Civil Party Applicant **SONG Kimsuor**, 01 October 2009, p. 05.

<sup>2052</sup> Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 09.

<sup>2053</sup> Case File No. 004-D118/198, Written Record of Interview of Civil Party Applicant **CHHIM Srorn**, 11 March 2014, p. 08 (The witness drove an ox cart with two militias, Soeun and Trou. He heard them saying that they had raped and killed a woman from the East Zone).

<sup>2054</sup> Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, p. 17.

<sup>2055</sup> Case File No. 004-D118/246, Written Record of Interview of Witness **MEAS Vooun alias SVAY Vooun**, 24 May 2014, p. 13.

<sup>2056</sup> Case File No. 004-D118/248, Written Record of Interview of Civil Party Applicant **LY Lonn**, 30 May 2014, p. 14.

<sup>2057</sup> Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, pp. 17-18.

<sup>2058</sup> Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, pp. 17-18.

- <sup>2059</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 14.
- <sup>2060</sup> Case File No. 004-D6.1.759, Written Record of Interview of Civil Party Applicant **SONG Kimsuor**, 01 October 2009, p. 05.
- <sup>2061</sup> Case File No. 004-D118/198, Written Record of Interview of Civil Party Applicant **CHHIM Srorn**, 11 March 2014, p. 08.
- <sup>2062</sup> Case File No. 004-D219/243, Written Record of Interview of Civil Party Applicant **VĂN Sâng**, 28 March 2015, p. 13. Case File No. 004-D118/246, Written Record of Interview of Witness **MEAS Vooun alias SVAY Vooun**, 24 May 2014, p. 13. Case File No. 004-D6.1.142, Written Record of Interview of Witness **CHEA Lêng**, 18 December 2008, p. 07. Case File No. 004-D118/238, Written Record of Interview of Witness **KOL Sèt**, 16 May 2014, p. 14. Case File No. 004-D219/338, Written Record of Interview of Civil Party Applicant **HÈNG Mei**, 25 May 2015, p. 17. Case File No. 004-D118/262, Written Record of Interview of Witness **TEP Phon**, 24 June 2014, p. 10. Case File No. 004-D219/8, Written Record of Interview of Witness **YÀNG Sokhom**, 15 September 2014, p. 20. Case File No. 004-D118/198, Written Record of Interview of Civil Party Applicant **CHHIM Srorn**, 11 March 2014, p. 08.
- <sup>2063</sup> Case File No. 004-D118/248, Written Record of Interview of Civil Party Applicant **LY Lon**, 30 May 2014, p. 14.
- <sup>2064</sup> Case File No. 004-D118/246, Written Record of Interview of Witness **MEAS Vooun alias SVAY Vooun**, 24 May 2014, p. 13.
- <sup>2065</sup> Case File No. 004-D219/8, Written Record of Interview of Witness **YÀNG Sokhom**, 15 September 2014, p. 20.
- <sup>2066</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, p. 03.
- <sup>2067</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, p. 01.
- <sup>2068</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, pp. 01-02.
- <sup>2069</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, pp. 02-03.
- <sup>2070</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, pp. 02-03.
- <sup>2071</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, p. 03.
- <sup>2072</sup> Case File No. 004-D34.1.10, Interview by Steve Heder with **HÈNG Teav**, no date, p. 03.
- <sup>2073</sup> Case File No. 004-D287/4/1.2, Report from Henri Locard entitled “Sisophon and Battambang”, 25 July 1991, p. 02. Case File No. 004-D1.3.3.2, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-33.
- <sup>2074</sup> Case File No. 004-D118/102, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, p. 08.
- <sup>2075</sup> Case File No. 004-D118/102, Written Record of Interview of Witness **TOAT Thoeun**, 10 September 2013, p. 08.
- <sup>2076</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, p. 03. Case File No. 004-D118/249, Written Record of Interview of Civil Party Applicant **SON Ëm**, 02 June 2014, p. 08.
- <sup>2077</sup> Case File No. 004-D118/137, Written Record of Interview of Witness **CHHORN Vorn**, 14 December 2012, p. 07.
- <sup>2078</sup> Case File No. 004-D118/137, Written Record of Interview of Witness **CHHORN Vorn**, 14 December 2012, pp. 05, 07.
- <sup>2079</sup> Case File No. 004-D118/108, Written Record of Interview of Witness **LIM Tim**, 24 September 2013, pp. 03-04.
- <sup>2080</sup> Case File No. 004-D287/4/1.2, Report from Henri Locard entitled “Sisophon and Battambang”, 25 July 1991, p. 02. Case File No. 004-D1.3.3.2, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-33.
- <sup>2081</sup> Case File No. 004-D1.3.3.2, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-03.
- <sup>2082</sup> Case File No. 004-D287/4/1.2, Report from Henri Locard entitled “Sisophon and Battambang”, 25 July 1991, p. 02. Case File No. 004-D1.3.3.2, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-03.
- <sup>2083</sup> Case File No. 004-D1.3.3.2, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02.

- <sup>2084</sup> Case File No. 004-**D1.3.35.1**, Written Record of Interview of Witness **VANN Nath**, 18 January 2008, pp. 02-03.
- <sup>2085</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02.
- <sup>2086</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02. Case File No. 004-**D1.3.35.4**, Written Record of Interview of Witness **VANN Nath**, 14 August 2006, p. 02.
- <sup>2087</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 03.
- <sup>2088</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02.
- <sup>2089</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-03.
- <sup>2090</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02.
- <sup>2091</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, p. 02. Case File No. 004-**D1.3.35.1**, Written Record of Interview of Witness **VANN Nath**, 18 January 2008, p. 03.
- <sup>2092</sup> Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-03.
- <sup>2093</sup> Case File No. 004-**D1.3.11.28**, Written Record of Interview of Witness **LIM Kimsun**, by the Office of the Co-Prosecutors, 03 August 2008, p. 05.
- <sup>2094</sup> Case File No. 004-**D287/4/1.2**, Report from Henri Locard entitled “Sisophon and Battambang”, 25 July 1991, p. 03. Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-33 (A portrait shows how a deceased prisoner was carried away at S-21).
- <sup>2095</sup> Case File No. 004-**D287/4/1.2**, Report from Henri Locard entitled “Sisophon and Battambang”, 25 July 1991, p. 03. Case File No. 004-**D1.3.3.2**, Book by **VANN Nath** entitled “A Cambodian Prison Portrait: One Year in the Khmer Rouge's S-21”, 1998, pp. 01-33 (A portrait shows how a deceased prisoner was carried away at S-21).
- <sup>2096</sup> Case File No. 004-**D1.3.10.10**, DC-Cam Report entitled “Map of Killing Filed in Cambodia, 1997: Banteay Meanchey Province”, 29 April 1997, p. 01. Case File No. 004-**D1.3.27.11**, Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone, pp. 23-25. Case File No. 004-**D118/36**, Site Identification Report, 08 March 2013, p. 02. Case File No. 004-**D219/147**, Written Record of Interview of Witness **MÁN Chuon**, 15 January 2015, p. 08. Case File No. 004-**D118/250**, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 22. Case File No. 004-**D118/26**, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 03.
- <sup>2097</sup> Case File No. 004-**D118/29**, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 04. Case File No. 004-**D118/31**, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 03.
- <sup>2098</sup> Case File No. 004-**D219/161**, Written Record of Interview of Witness **KHĂT Phau**, 25 January 2015, p. 09. Case File No. 004-**D118/26**, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04.
- <sup>2099</sup> Case File No. 004-**D118/250**, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 23. Case File No. 004-**D118/26**, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-**D219/147**, Written Record of Interview of Witness **MÁN Chuon**, 15 January 2015, p. 08. Case File No. 004-**D1.3.10.10**, DC-Cam Report entitled “Map of Killing Filed in Cambodia, 1997: Banteay Meanchey Province”, 29 April 1997, p. 10. Case File No. 004-**D1.3.27.11**, Report from **Henri Locard** entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 24. Case File No. 004-**D118/29**, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 04 .
- <sup>2100</sup> Case File No. 004-**D118/26**, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-**D118/28**, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February

2013, p. 07. Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, pp. 04-05.

<sup>2101</sup> Case File No. 004-D118/28, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 05.

<sup>2102</sup> Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, pp. 03-05. Case File No. 004-D118/28, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 05. Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 05. Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 23.

<sup>2103</sup> Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, pp. 05-06. Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 03. Case File No. 004-D118/28, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 04. Case File No. 004-D219/161, Written Record of Interview of Witness **KHĂT Phau**, 25 January 2015, pp. 09-10. Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 03.

<sup>2104</sup> Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 07.

<sup>2105</sup> Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 04. Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 23. Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 07. Case File No. 004-D118/36, Site Identification Report, 08 March 2013, p. 05.

<sup>2106</sup> Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 06. Case File No. 004-D118/28, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 05. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 06. Case File No. 004-D219/161, Written Record of Interview of Witness **KHĂT Phau**, 25 January 2015, p. 15. Case File No. 004-D118/36, Site Identification Report, 08 March 2013, p. 05.

<sup>2107</sup> Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, pp. 05-06. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, pp. 06-07.

<sup>2108</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, pp. 07, 09.

<sup>2109</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, pp. 07, 09.

<sup>2110</sup> Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 03. Case File No. 004-D118/36, Site Identification Report, 08 March 2013, p. 05.

<sup>2111</sup> Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, p. 06. Case File No. 004-D118/36, Site Identification Report, 08 March 2013, p. 05.

<sup>2112</sup> Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, pp. 04-05. Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 04.

<sup>2113</sup> Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, pp. 04-05. Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 04. Case File No. 004-D118/28, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 06.

<sup>2114</sup> Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, p. 04.

<sup>2115</sup> Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 04. Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 05.

<sup>2116</sup> Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 05. Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, pp. 05-06.

<sup>2117</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 07. Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 23.

<sup>2118</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 10. Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 06. Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 24.

<sup>2119</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 11. Case File No. 004-D118/30, Written Record of Interview of Witness **SÂM Sokhân**, 07 February 2013, p. 06.

<sup>2120</sup> Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 04. Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 22.

<sup>2121</sup> Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 19.

<sup>2122</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 07.

<sup>2123</sup> Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 05.

<sup>2124</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 10.

<sup>2125</sup> Case File No. 004-D1.3.27.11, Report from **Henri Locard** entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 24.

<sup>2126</sup> Case File No. 004-D219/147, Written Record of Interview of Witness **MĂN Chuon**, 15 January 2015, p. 10.

<sup>2127</sup> Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 04. Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-D219/161, Written Record of Interview of Witness **KHÁT Phau**, 25 January 2015, p. 09.

<sup>2128</sup> Case File No. 004-D1.3.27.11, Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone, pp. 24.

<sup>2129</sup> Case File No. 004-D118/250, Written Record of Interview of Witness **MUT Veuk**, 04 June 2014, p. 23.

<sup>2130</sup> Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 05.

<sup>2131</sup> Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 05. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 06.

<sup>2132</sup> Case File No. 004-D118/29, Written Record of Interview of Witness **SÂM Sokhân**, 06 February 2013, p. 05. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, pp. 03, 05.

<sup>2133</sup> Case File No. 004-D118/27, Written Record of Interview of Witness **SREP Thlang**, 09 February 2013, p. 03. Case File No. 004-D118/31, Written Record of Interview of Witness **SÂM Sokhân**, 08 February 2013, p. 05.

<sup>2134</sup> Case File No. 004-D219/161, Written Record of Interview of Witness **KHÁT Phau**, 25 January 2015, p. 11. Case File No. 004-D118/26, Written Record of Interview of Witness **TĂN Say**, 13 February 2013, p. 04. Case File No. 004-D1.3.27.11, Report from **Henri Locard** entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 24. Case File No. 004-D1.3.10.10, DC-Cam Report entitled “*Map of Killing Filed in Cambodia, 1997: Banteay Meanchey Province*”, 29 April 1997, p. 10.

- <sup>2135</sup> Case File No. 004-**D1.3.10.10**, DC-Cam Report entitled “*Map of Killing Filed in Cambodia, 1997: Banteay Meanchey Province*”, 29 April 1997, p. 11. Case File No. 004-**D1.3.27.11**, Report from **Henri Locard** entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 24.
- <sup>2136</sup> Case File No. 004-**D118/28**, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, p. 08.
- <sup>2137</sup> Case File No. 004-**D118/28**, Written Record of Interview of Witness **CHĂN Chhoeun**, 11 February 2013, pp. 07-08.
- <sup>2138</sup> Case File No. 004-**D1.3.27.7**, DC-Cam report on field research activities concerning genocide during the POL Pot Regime, in Battambang Province, May 1997, pp. 02,04.
- <sup>2139</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 19.
- <sup>2140</sup> Case File No. 004-**D219/192**, Written Record of Interview of Civil Party Applicant **YĂP Sinit**, 19 February 2015, p. 14.
- <sup>2141</sup> Case File No. 004-**D219/192**, Written Record of Interview of Civil Party Applicant **YĂP Sinit**, 19 February 2015, p. 15.
- <sup>2142</sup> Case File No. 004-**D219/192**, Written Record of Interview of Civil Party Applicant **YĂP Sinit**, 19 February 2015, p. 15. Case File No. 004-**D118/241**, Written Record of Interview of Witness **THĂCH Sokh**, 19 May 2014, p. 05. Case File No. 004-**D219/503**, Written Record of Interview of Civil Party Applicant **CHHUM Hon**, 14 September 2015, p. 08. Case File No. 004-**D219/836**, Written Record of Interview of Witness **TOUCH Mari**, 21 September 2016, p. 10.
- <sup>2143</sup> Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 03.
- <sup>2144</sup> Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 08.
- <sup>2145</sup> Case File No. 004-**D219/192**, Written Record of Interview of Civil Party Applicant **YĂP Sinit**, 19 February 2015, p. 14.
- <sup>2146</sup> Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 06.
- <sup>2147</sup> Case File No. 004-**D219/836**, Written Record of Interview of Witness **TOUCH Mari**, 21 September 2016, p. 10.
- <sup>2148</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 19.
- <sup>2149</sup> Case File No. 004-**118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 08.
- <sup>2150</sup> Case File No. 004-**118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 08.
- <sup>2151</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 19.
- <sup>2152</sup> Case File No. 004-**D219/312**, Written Record of Interview of Witness **BĂNG Thai**, 13 May 2015, p. 07.
- <sup>2153</sup> Case File No. 004-**D219/192**, Written Record of Interview of Civil Party Applicant **YĂP Sinit**, 19 February 2015, pp. 10, 15.
- <sup>2154</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 19.
- <sup>2155</sup> Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea Regime, Northwest Zone”, May 2007, p. 19. Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, pp. 03-04.
- <sup>2156</sup> Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 05.
- <sup>2157</sup> Case File No. 004-**D1.3.27.7**, DC-Cam report on field research activities concerning genocide during the POL Pot Regime, in Battambang Province, May 1997, pp. 04-05. Case File No. 004-**D1.3.27.11**, Report from Henri Locard entitled “Research about various prisons during the Democratic Kampuchea

Regime, Northwest Zone”, May 2007, p. 17. Case File No. 004-**D118/75**, Written Record of Interview of Witness **HUY Kroem**, 20 June 2013, p. 08.

<sup>2158</sup> Case File No. 004-**D119/22**, Written Record of Interview of Witness **PHÓK Kuy**, 16 March 2013, p. 03. Case File No. 004-**D119/20**, Written Record of Interview of Witness **LI Senh**, 13 March 2013, p. 05.

<sup>2159</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 25.

<sup>2160</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHÍT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D119/20**, Written Record of Interview of Witness **LI Senh**, 13 March 2013, p. 04. Case File No. 004-**D119/49**, Written Record of Interview of Witness **THİM Sâmphăt**, 08 June 2013, pp. 08-09.

<sup>2161</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHÍT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D61**, Written Record of Interview of Witness **PAN Chhuong**, 19 August 2011, pp. 03-04. Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03. Case File No. 004-**D119/49**, Written Record of Interview of Witness **THİM Sâmphăt**, 08 June 2013, p. 08.

<sup>2162</sup> Case File No. 004-**D61**, Written Record of Interview of Witness **PAN Chhuong**, 19 August 2011, p. 04.

<sup>2163</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHÍT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D119/37**, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 07. Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, pp. 02-03. Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, pp. 25, 27.

<sup>2164</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 27.

<sup>2165</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHÍT Yoek**, 26 April 2013, p. 07.

<sup>2166</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 27.

<sup>2167</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHHÍT Yoek**, 26 April 2013, p. 07. Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03. Case File No. 004-**D119/49**, Written Record of Interview of Witness **THİM Sâmphăt**, 08 June 2013, p. 09. Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 27.

<sup>2168</sup> Case File No. 004-**D119/23**, Written Record of Interview of Witness **BUT Sveuy**, 19 March 2013, p. 05. Case File No. 004-**D119/14**, Written Record of Interview of Witness **CHUM Kăn** alias Nhon, 27 February 2013, p. 06.

<sup>2169</sup> Case File No. 004-**D119/37**, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 07. Case File No. 004-**D119/20**, Written Record of Interview of Witness **LI Senh**, 13 March 2013, p. 04. Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03. Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03. Case File No. 004-**D63**, Written Record of Interview of Witness **PĂN Thi**, 19 August 2011, p. 02.

<sup>2170</sup> Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03.

<sup>2171</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 28.

<sup>2172</sup> Case File No. 004-**D101/1.2**, Written Record of Interview of Witness **TAO Pínthâng**, 19 August 2011, p. 03. Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 26.

<sup>2173</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THİM Sâmphăt**, 08 June 2013, pp. 09, 11. Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 28.

<sup>2174</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THİM Sâmphăt**, 08 June 2013, p. 10.

- <sup>2175</sup> Case File No. 004-**D119/23**, Written Record of Interview of Witness **BUT Sveuy**, 19 March 2013, p. 05. Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, p. 09.
- <sup>2176</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, pp. 10, 11.
- <sup>2177</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013.
- <sup>2178</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, p. 11.
- <sup>2179</sup> Case File No. 004-**D119/22**, Written Record of Interview of Witness **PHÔK Kuy**, 16 March 2013, p. 03.
- <sup>2180</sup> Case File No. 004-**D119/22**, Written Record of Interview of Witness **PHÔK Kuy**, 16 March 2013, p. 04.
- <sup>2181</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 28.
- <sup>2182</sup> Case File No. 004-**D119/22**, Written Record of Interview of Witness **PHÔK Kuy**, 16 March 2013, p. 04.
- <sup>2183</sup> Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, p. 09.
- <sup>2184</sup> Case File No. 004-**D119/22**, Written Record of Interview of Witness **PHÔK Kuy**, 16 March 2013, p. 05. Case File No. 004-**D119/49**, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, p. 09.
- <sup>2185</sup> Case File No. 004-**D281**, Written Record of Initial Appearance of **YIM Tith**, 09 December 2015. **Case File No. 004-D1**, Co-Prosecutor's Third Introductory Submission, 20 November 2008, Case File No. 004/20-11-2008/ECCC/OCIJ, submitted by the Office of the Co-Prosecutors, para. 79, p. 25, with reference to DC-Cam on 04 March 2007. Case File No. 004-**D1.3.28.4**, DC-Cam's interview with IM Chem, 04 March 2007, pp. 08-09.
- <sup>2186</sup> Case File No. 004-**D281**, Written Record of Initial Appearance of **YIM Tith**, 09 December 2015. Case File No. 004-**D1**, Co-Prosecutor's Third Introductory Submission, 20 November 2008, p. 25. Case File No. 004-**D1.3.28.4**, DC-Cam Document: Interview with IM Chem, 04 March 2007, pp. 08-09.
- <sup>2187</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHĪT Yoeuk**, 26 April 2013, p. 04.
- <sup>2188</sup> Case File No. 004-**D119/33**, Written Record of Interview of Witness **CHĪT Yoeuk**, 26 April 2013, p. 08.
- <sup>2189</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 09.
- <sup>2190</sup> Case File No. 004-**D119/65**, Written Record of Interview of Witness **TUM Soeun**, 16 October 2013, p. 17.
- <sup>2191</sup> Case File No. 004-**D119/94**, Written Record of Interview of Witness **BOU Măo**, 21 February 2014, p. 04.
- <sup>2192</sup> Case File No. 004-**D119/94**, Written Record of Interview of Witness **BOU Măo**, 21 February 2014, p. 06.
- <sup>2193</sup> Case File No. 004-**D119/133**, Written Record of Interview of Witness **NIT Sut**, 03 July 2014, p. 23.
- <sup>2194</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, p. 9.
- <sup>2195</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, p. 13.
- <sup>2196</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, pp. 09-10.
- <sup>2197</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, pp. 09-10.
- <sup>2198</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, p. 09.
- <sup>2199</sup> Case File No. 004-**D123/1/2.52**, DC-Cam Document: Interview with **PHEACH Ruos**, 17 June 2011, pp. 09, 13.

- <sup>2200</sup> Case File No. 004-D123/1/2.52, DC-Cam Document: Interview with PHEACH Ruos, 17 June 2011, p. 09.
- <sup>2201</sup> Case File No. 004-D191, Co-Prosecutor's Supplementary Submission regarding Forced Marriage and Sexual or Gender-Based Violence, 24 April 2014, para. 9, p. 7.
- <sup>2202</sup> Case File No. 004-D191.1.48, Victim Support Section's Report on Civil Party **LIN Nhàk**, 30 April 2010, p. 02. Case File No. 004-D191.1.47, Civil Party Application of **LIN Nhàk**, 06 November 2009, p. 09. Case File No. 004-D219/71, Written Record of Interview of Witness **LIN Nhàk**, 19 November 2014, pp. 12-13.
- <sup>2203</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 06. Case File No. 004-D119/24, Report of the Execution of Rogatory Letter, 13 March 2013, p. 02. Case File No. 004-D119/27, Report of the Execution of Rogatory Letter, 13 March 2013, p. 05. Case File No. 004-D119/52, Written Record of Interview of Witness **MOM Chhouk**, 17 June 2013, p. 06.
- <sup>2204</sup> Case File No. 004-D119/52, Written Record of Interview of Witness **MOM Chhouk**, 17 June 2013, p. 07.
- <sup>2205</sup> Case File No. 004-D119/46, Report of the Execution of Rogatory Letter, 09 May 2013, p. 03.
- <sup>2206</sup> Case File No. 004-D119/46, Report of the Execution of Rogatory Letter, 09 May 2013, p. 03. Case File No. 004-D119/27, Report of the Execution of Rogatory Letter, 13 March 2013, p. 05.
- <sup>2207</sup> Case File No. 004-D119/34, Written Record of Interview of Witness **SĒM Laihieng**, 29 April 2013, p. 05. Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 06. Case File No. 004-D119/76, Written Record of Interview of Witness **LIEM Sarəm**, 22 January 2014, p. 06.
- <sup>2208</sup> Case File No. 004-D119/34, Written Record of Interview of Witness **SĒM Laihieng**, 29 April 2013, p. 05.
- <sup>2209</sup> Case File No. 004-D119/42, Written Record of Interview of Witness **KRET Ret**, 20 May 2013, p. 04.
- <sup>2210</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, pp. 04-05. Case File No. 004-D119/42, Written Record of Interview of Witness **KRET Ret**, 20 May 2013, p. 04. Case File No. 004-D119/32, Written Record of Interview of Witness **CHHIM Phàn**, 24 April 2013, p. 06. Case File No. 004-D119/38, Written Record of Interview of Witness **SOH Narin**, 17 May 2013, p. 04.
- <sup>2211</sup> Case File No. 004-D1.3.10.10, DC-Cam Report: Killing Sites Mapping Project 1997, Banteay Meanchey Province, 29 April 1997, p. 07.
- <sup>2212</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 03.
- <sup>2213</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 06.
- <sup>2214</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, p. 06. Case File No. 004-D119/24, Report of the Execution of Rogatory Letter, 13 March 2013, p. 02. Case File No. 004-D119/145, Written Record of Interview of Civil Party Applicant **THEP Kimlun**, 21 August 2014, p. 15.
- <sup>2215</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, pp. 04-05. Case File No. 004-D119/38, Written Record of Interview of Witness **SOH Narin**, 17 May 2013, p. 04.
- <sup>2216</sup> Case File No. 004-D119/37, Written Record of Interview of Witness **SONG Pharăt**, 17 May 2013, pp. 05-06.
- <sup>2217</sup> Case File No. 004-D1.3.10.10, DC-Cam Report: Killing Sites Mapping Project 1997, Banteay Meanchey Province, 29 April 1997, p. 14.
- <sup>2218</sup> Case File No. 004-D1.3.10.10, DC-Cam Report: Killing Sites Mapping Project 1997, Banteay Meanchey Province, 29 April 1997, p. 13.
- <sup>2219</sup> Case File No. 004-D1.3.11.12, Office of the Co-Prosecutors' Written Record of Interview of **CHRACH Kit**, 06 August 2008, p. 05.
- <sup>2220</sup> Case File No. 004-D219/1, Written Record of Interview of Civil Party Applicant **YOU Mut**, 08 September 2014, p. 09. Case File No. 004-D219/212, Written Record of Interview of Witness **KHOP Sokh**, 05 March 2015, p. 06.

- <sup>2221</sup> Case File No. 004-D219/212, Written Record of Interview of Witness **KHOP Sokh**, 05 March 2015, p. 05, pp. 06-08.
- <sup>2222</sup> Case File No. 004-D219/387, Report on Investigative Action, 05 June 2017, p. 02. Case File No. 004-D119/133, Written Record of Interview of Witness **NIT Sut**, 03 July 2014, p. 20.
- <sup>2223</sup> Case File No. 004-D119/38, Written Record of Interview of Witness **SUOS Narin**, 17 May 2013, p. 04.
- <sup>2224</sup> Other translated words for Chup include “Choup” “Chub” and “Chup”. Case File No. 004-D219/387, Report on Investigative Action, 05 June 2017, pp. 01-04. Case File No. 004-D1.3.10.10, DC-Cam Report: Killing Sites Mapping Project 1997, Banteay Meanchey Province, 29 April 1997, p. 15. Case File No. 004-D219/384, Written Record of Interview of Witness **DIK Kuy**, 26 June 2015, p. 06.
- <sup>2225</sup> Case File No. 004-D219/387, Report on Investigative Action, 05 June 2017, pp. 01-04.
- <sup>2226</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, pp. 06-07. Case File No. 004-D119/93, Written Record of Interview of Witness **CHĂN Phon**, 20 February 2014, p. 09. Case File No. 004-D119/125, Written Record of Interview of Witness **MĂK Vanni**, 09 May 2014, pp. 05-06.
- <sup>2227</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, p. 07.
- <sup>2228</sup> Case File No. 004-D219/385, Written Record of Interview of Witness **NUON Hoeuk**, 26 June 2015, pp. 06-07. Case File No. 004-D119/125, Written Record of Interview of Witness **MĂK Vanni**, 09 May 2014, pp. 05-06.
- <sup>2229</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, p. 06. Case File No. 004-D119/93, Written Record of Interview of Witness **CHĂN Phon**, 20 February 2014, p. 09. Case File No. 004-D119/125, Written Record of Interview of Witness **MĂK Vanni**, 09 May 2014, p. 05. Case File No. 004-D219/385, Written Record of Interview of Witness **NUON Hoeuk**, 26 June 2015, p. 06. Case File No. 004-D219/173, Written Record of Interview of **LIES Sdaeng**, 09 February 2015, p. 08.
- <sup>2230</sup> Comparison of three lorries within two months at the beginning of 1978 (Case File No. 004-D119/125, Written Record of Interview of Witness **MĂK Vanni**, 09 May 2014, pp. 05-06); the lorries came every day or one day after another, from June or July 1978 until the end of the Democratic Kampuchea Regime (Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tao**, 20 February 2014, p. 06). Case File No. 004-D219/173, Written Record of Interview of Witness **LIES Sdaeng**, 09 February 2015, p. 08. One or two lorries arrived there three days consecutively.
- <sup>2231</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, p. 06. Case File No. 004-D119/93, Written Record of Interview of Witness **CHĂN Phon**, 20 February 2014, p. 09. Case File No. 004-D119/125, Written Record of Interview of Witness **MĂK Vanni**, 09 May 2014, p. 06. Case File No. 004-D219/173, Written Record of Interview of Witness **LIES Sdaeng**, 09 February 2015, p. 08. Case File No. 004-D219/385, Written Record of Interview of Witness **NUON Hoeuk**, 26 June 2015, pp. 06-07. Case File No. 004-D219/384, Written Record of Interview of Witness **DIK Kuy**, 26 June 2015, p. 06.
- <sup>2232</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, p. 06. Case File No. 004-D219/173, Written Record of Interview of Witness **LIES Sdaeng**, 09 February 2015, p. 08.
- <sup>2233</sup> Case File No. 004-D119/93, Written Record of Interview of Witness **CHĂN Phon**, 20 February 2014, p. 09.
- <sup>2234</sup> Case File No. 004-D119/92, Written Record of Interview of Witness **SUM Tau**, 20 February 2014, p. 07. Case File No. 004-D119/93, Written Record of Interview of Witness **CHĂN Phon**, 20 February 2014, p. 09.
- <sup>2235</sup> Case File No. 004-D120/1, Site Identification Report, Phnum Thum Security Centre and Worksite, 05 March 2013, pp. 05-06.
- <sup>2236</sup> Case File No. 004-D120/1, Site Identification Report, Phnum Thum Security Centre and Worksite, 05 March 2013, pp. 02, 10.
- <sup>2237</sup> Case File No. 004-D120/1, Site Identification Report, Phnum Thum Security Centre and Worksite, 05 March 2013, p. 02.

- <sup>2238</sup> Case File No. 004-D118/8, Written Record of Interview of Witness **SREI Vuth**, 16 January 2013, pp. 03-04 .
- <sup>2239</sup> Case File No. 004-D118/8, Written Record of Interview of Witness **SREI Vuth**, 16 January 2013, p. 05. Case File No. 004-D118/9, Written Record of Interview of Witness **SREI Vuth**, 17 January 2013, p. 05.
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- <sup>2244</sup> Case File No. 004-D119/108, Written Record of Interview of Witness **SOKH Rom**, 19 March 2014, p. 23. Case File No. 004-D119/115, Written Record of Interview of Witness **TIL Hēl**, 03 April 2014, p. 07. Case File No. 004-D119/118, Report on Investigative Action, 03 April 2014, p. 02.
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- <sup>2260</sup> Case File No. 004-D119/114, Written Record of Interview of Witness **HONG Sreu**, 02 April 2014, p. 04.
- <sup>2261</sup> Case File No. 004-D119/112, Written Record of Interview of Witness **TĪL Sēngli**, 01 April 2014, p. 06.
- <sup>2262</sup> Case File No. 004-D119/111, Written Record of Interview of Witness **SAOM Lang**, 31 March 2014, p. 04.
- <sup>2263</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĀNN Than**, 18 December 2008, p. 03. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 02. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĀN Thēvv**, 19 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 03. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 03.
- <sup>2264</sup> Case File No. 004-D119/22, Written Record of Interview of Witness **PHŌK Kuy**, 16 March 2013, p. 03. Case File No. 004-D119/29, Written Record of Interview of Witness **PAN Chhuong**, 14 March 2013, p. 07. Case File No. 004-D55, Written Record of Interview of Witness **YĀN Chănrom**, 18 August 2011, p. 02. Case File No. 004-D119/14, Written Record of Interview of Witness **CHUM Kăn** alias **Nhon**, 27 February 2013, p. 05. Case File No. 004-D119/47, Written Record of Interview of Witness **LIM Hong** alias **MEAN Sâmbăt** or **Aun**, 13 June 2013, p. 04.
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- <sup>2266</sup> Case File No. 004-D119/32, Written Record of Interview of Witness **CHHIM Phân**, 24 April 2013, p. 03.
- <sup>2267</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĀNN Than**, 18 December 2008, p. 02. Case File No. 004-D119/29, Written Record of Interview of Witness **PAN Chhuong**, 14 March 2013, p. 04. Case File No. 004-D119/33, Written Record of Interview of Witness **CHHĪT Yoek**, 26 April 2013, p. 05. Case File No. 004-D63, Written Record of Interview of Witness **PĀN Thi**, 19 August 2011, p. 02. Case File No. 004-D55, Written Record of Interview of Witness **YĀN Chănrom**, 18 August 2011, p. 02. Case File No. 004-D59, Written Record of Interview of Witness **LACH Kea**, 18 August 2011, p. 02. Case File No. 004-D119/40, Written Record of Interview of Witness **CHHAY Phan**, 19 May 2013, p. 04. Case File No. 004-D6.1.342, Written Record of Interview of Witness **CHHUM Ruom**, 01 February 2009, p. 04.
- <sup>2268</sup> Case File No. 004-D57, Written Record of Interview of Witness **YĒM Kimruos**, 18 August 2011, pp. 02-03. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĀNN Than**, 18 December 2008, p. 02. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 05. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 02.
- <sup>2269</sup> Case File No. 004-D57, Written Record of Interview of Witness **YĒM Kimruos**, 18 August 2011, p. 02.
- <sup>2270</sup> Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 02. Case File No. 004-D61, Written Record of Interview of Witness **PAN Chhuong**, 19 August 2011, p. 02. Case File No. 004-D6.1.4, Written Record of Interview of Witness **TĀNN Than**, 18 December 2008, p. 03. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 03.
- <sup>2271</sup> Case File No. 004-D119/22, Written Record of Interview of Witness **PHŌK Kuy**, 16 March 2013, p. 03. Case File No. 004-D119/41, Written Record of Interview of Witness **TOUCH Phean**, 20 May 2013, p. 03. Case File No. 004-D61, Written Record of Interview of Witness **PAN Chhuong**, 19 August 2011, p. 02. Case File No. 004-D57, Written Record of Interview of Witness **YĒM Kimruos**, 18 August 2011, p. 02. Case File No. 004-D59, Written Record of Interview of Witness **LACH Kea**, 18 August 2011, p. 03. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĀNN Than**, 18 December

2008, p. 03. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 02. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĂN Thēvv**, 19 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 03. Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 03.

<sup>2272</sup> Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 03.

<sup>2273</sup> Case File No. 004-D6.1.792, “Telegram No. 61, Radio Band 1174, Telegram by Kan to respected and beloved brother”, 15 March 1978, p. 01.

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<sup>2275</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĂNN Than**, 18 December 2008, p. 03. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 03. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĂN Thēvv**, 19 December 2008, p. 03. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 03. Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 03.

<sup>2276</sup> Case File No. 004-D119/49, Written Record of Interview of Witness **THĪM Sâmphăt**, 08 June 2013, p. 03. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 02. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 03. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĂN Thēvv**, 19 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, pp. 02-03. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 02. Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 03.

<sup>2277</sup> Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 03. Case File No. 004-D119/40, Written Record of Interview of Witness **CHHAY Phan**, 19 May 2013, p. 05. Case File No. 004-D119/41, Written Record of Interview of Witness **TOUCH Phean**, 20 May 2013, p. 03. Case File No. 004-D55, Written Record of Interview of Witness **YĂN Chănrom**, 18 August 2011, p. 02. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĂNN Than**, 18 December 2008, p. 04. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 03. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 03.

<sup>2278</sup> Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 03.

<sup>2279</sup> Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 03.

<sup>2280</sup> Case File No. 004-D119/42, Written Record of Interview of Witness **KRET Ret**, 20 May 2013, p. 07. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĂNN Than**, 18 December 2008, p. 04. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 03. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 03. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DĂN Thēvv**, 19 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 03. Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 03.

<sup>2281</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TĂNN Than**, 18 December 2008, p. 04. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 04.

<sup>2282</sup> Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, pp. 03-04. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04.

- <sup>2283</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 05. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, pp. 03-04.
- <sup>2284</sup> Case File No. 004-D119/40, Written Record of Interview of Witness **CHHAY Phan**, 19 May 2013, p. 04.
- <sup>2285</sup> Case File No. 004-D119/40, Written Record of Interview of Witness **CHHAY Phan**, 19 May 2013, p. 04.
- <sup>2286</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 04.
- <sup>2287</sup> Case File No. 004-D119/33, Written Record of Interview of Witness **CHHĪT Yoeuk**, 26 April 2013, p. 06.
- <sup>2288</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 05.
- <sup>2289</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, pp. 03-04.
- <sup>2290</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 04. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 04. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DÁN Thēv**, 19 December 2008, p. 04. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04. Case File No. 004-D6.1.433, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 04.
- <sup>2291</sup> Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 04. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DÁN Thēv**, 19 December 2008, p. 04.
- <sup>2292</sup> Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04.
- <sup>2293</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 04. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 03. Case File No. 004-D6.1.428, Written Record of Interview of Witness **CHHIT ĩn**, 19 December 2008, p. 04. Case File No. 004-D6.1.429, Written Record of Interview of Witness **DÁN Thēv**, 19 December 2008, p. 04. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 04. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 04.
- <sup>2294</sup> Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 03. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 03.
- <sup>2295</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 03. Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 04.
- <sup>2296</sup> Case File No. 004-D6.1.426, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 04.
- <sup>2297</sup> Case File No. 004-D119/23, Written Record of Interview of Witness **BUT Sveuy**, 19 March 2013, p. 04. Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÁNN Than**, 18 December 2008, p. 05. Case File No. 004-D6.1.430, Written Record of Interview of Witness **KAN Thol**, 20 December 2008, p. 05. Case File No. 004-D6.1.431, Written Record of Interview of Witness **CHIEP Chhean**, 20 December 2008, p. 05.
- <sup>2298</sup> Case File No. 004-D119/29, Written Record of Interview of Witness **PAN Chhuong**, 14 March 2013, p. 07.
- <sup>2299</sup> Case File No. 004-D118/65, Written Record of Interview of Witness **CHIM Chānthoeun** alias Sim, 27 May 2013, p. 03.
- <sup>2300</sup> Case File No. 004-D119/33, Written Record of Interview of Witness **CHHĪT Yoeuk**, 26 April 2013, pp. 04, 08. Case File No. 004-D118/61, Written Record of Interview of Witness **CHIEP Chhean**, 23 May 2013, p. 05.

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- <sup>2305</sup> Case File No. 004-D6.1.148, Site Identification Report, 17 March 2009, pp. 06-08.
- <sup>2306</sup> Case File No. 004-D6.1.643, Written Record of Interview of Witness **UNG Chhăt**, 21 August 2009, p. 04.
- <sup>2307</sup> Case File No. 004-D6.1.148, Site Identification Report, 17 March 2009, p. 02.
- <sup>2308</sup> Case File No. 004-D6.1.148, Site Identification Report, 17 March 2009, p. 05.
- <sup>2309</sup> Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, p. 04. Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, p. 05.
- <sup>2310</sup> Case File No. 004-D6.1.148, Site Identification Report, 17 March 2009, p. 03.
- <sup>2311</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, pp. 02-03. Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, p. 02. Case File No. 004-D6.1.145, Written Record of Interview of Witness **UNG Chhăt**, 31 January 2009, pp. 03-04, 06. Case File No. 004-D6.1.991, Written Record of Interview of Witness **UK Soeum** alias **SÂN Soeum**, 03 March 2010, p. 10.
- <sup>2312</sup> Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, p. 02.
- <sup>2313</sup> Case File No. 004-D6.1.137, Written Record of Interview of Witness **LIM Sat**, 23 November 2008, p. 02.
- <sup>2314</sup> Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sēngchhorn**, 11 June 2008, pp. 02, 04.
- <sup>2315</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, pp. 05-06. Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 08.
- <sup>2316</sup> Case File No. 004-D219/650, Written Record of Interview of Witness **TEN Loeng**, 15 January 2016, pp. 05, 07, 09.
- <sup>2317</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 06. Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 05.
- <sup>2318</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 07.
- <sup>2319</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 07. Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, pp. 05-06. Case File No. 004-D219/681, Written Record of Interview of Witness **SUON Hēng**, 02 February 2016, p. 13. Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 07, 17.
- <sup>2320</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 08.
- <sup>2321</sup> Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voeurt**, 25 February 2016, p. 11.
- <sup>2322</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 05.
- <sup>2323</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, pp. 05, 09.

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- <sup>2325</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 09.
- <sup>2326</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 07.
- <sup>2327</sup> Case File No. 004-D219/650, Written Record of Interview of Witness **TEN Loeng**, 15 January 2016, pp. 05-06.
- <sup>2328</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 04.
- <sup>2329</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 08.
- <sup>2330</sup> Case File No. 004-D219/723, Written Record of Interview of Witness **LIM Saloeun**, 28 February 2016, p. 09. Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 06. Case File No. 004-D219/681, Written Record of Interview of Witness **SUON Hēng**, 02 February 2016, p. 12. Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 17. Case File No. 004-D219/720, Written Record of Interview of Witness **VANN Voert**, 25 February 2016, p. 11.
- <sup>2331</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 06.
- <sup>2332</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 07.
- <sup>2333</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, pp. 05-06. Case File No. 004-D219/167, Written Record of Interview of Civil Party Applicant **KHIEM Koeuy**, 05 February 2015, p. 08.
- <sup>2334</sup> Case File No. 004-D219/650, Written Record of Interview of Witness **TEN Loeng**, 15 January 2016, p. 06.
- <sup>2335</sup> Case File No. 004-D219/167, Written Record of Interview of Civil Party Applicant **KHIEM Koeuy**, 05 February 2015, p. 08.
- <sup>2336</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, pp. 06-07. Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 17. Case File No. 004-D219/650, Written Record of Interview of Witness **TEN Loeng**, 15 January 2016, p. 06. Case File No. 004-D219/167, Written Record of Interview of Civil Party Applicant **KHIEM Koeuy**, 05 February 2015, p. 08.
- <sup>2337</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 08. Case File No. 004-D219/650, Written Record of Interview of Witness **TEN Loeng**, 15 January 2016, p. 07.
- <sup>2338</sup> Case File No. 004-D219/895, Written Record of Interview of Witness **KHIM Lumtaun**, 15 January 2017, p. 08.
- <sup>2339</sup> Case File No. 004-D219/681, Written Record of Interview of Witness **SUON Hēng**, 02 February 2016, p. 12. Case File No. 004-D219/683, Written Record of Interview of Witness **HĪN Non**, 04 February 2016, p. 18.
- <sup>2340</sup> Case File No. 004-D219/167, Written Record of Interview of Civil Party Applicant **KHIEM Koeuy**, 05 January 2015, p. 08.
- <sup>2341</sup> Case File No. 004-E96/7, Case File No. 002/19-09-2007/ECCC/TC, Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, 20 June 2012, Classification status: Public, paras. 26-27, 29, reference number 48, pp. 20-21, 22-23. Case File No. 002-E162, Trial Chamber's Response to Parts of Documents: **E114**, **E114/1**, **E131/1/9**, **E131/6**, **E136** and **E158**, 31 January 2012, Classification status: Public, para. 3. Case File No. 002-E185, Case File No. 002/19-09-2007/ECCC/TC, Decision on Objections to Documents Proposed to be Put Before the Chamber in 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, 09 April 2012, Classification status: Public, para. 20.

<sup>2342</sup> Case File No. 002-**E96/7**, Case File No. 002/19-09-2007/ECCC/TC, Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, 20 June 2012, Classification status: Public, paras. 22-23.

<sup>2343</sup> Case File No. 00-**E185**, Case File No. 002/19-09-2007/ECCC/TC, Decision on Objections to Documents Proposed to be Put Before the Chamber in 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, 09 April 2012, Classification status: Public, para. 28.

<sup>2344</sup> Case File No. 002- **F36**, Appeal Judgement of the Extraordinary Chambers in the Courts of Cambodia, Case File No.002/19-September-2007/ECCC/OCIJ, 23 November 2016, Classification status: Public, para. 296, pp. 187-189.

<sup>2345</sup> Case File No. 002- **F36**, Appeal Judgement of the Extraordinary Chambers in the Courts of Cambodia, Case File No.002/19-September-2007/ECCC/OCIJ, 23 November 2016, Classification status: Public, para. 296, pp. 187-189.

<sup>2346</sup> Case File No. 002- **F36**, Appeal Judgement of the Extraordinary Chambers in the Courts of Cambodia, Case File No.002/19-September-2007/ECCC/OCIJ, 23 November 2016, Classification status: Public, para. 457, pp. 292-294.

<sup>2347</sup> Case File No. 002- **F36**, Appeal Judgement of the Extraordinary Chambers in the Courts of Cambodia, Case File No.002/19-September-2007/ECCC/OCIJ, 23 November 2016, Classification status: Public, para. 550, p. 350.

<sup>2348</sup> Case File No. 002-**D130/9/21**, Case File No. 002/19-09-2007/ECCC/TC (PTC 26), Pre-Trial Chamber's 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, Classification status: public, para. 30. Case File No. 001-**E1/27.1**, Transcript of trial proceedings of Charged Person KAING Guek Eav alias Duch, 28 May 2009, pp. 08-09. Case File No. 001-**E176**, Case File No. 002/18-07-2007/ECCC/TC, Trial Chamber's Decision on Parties' Request to Put Certain Materials Before the Trial Chamber Pursuant to Internal Rule 87(2), Classification status: public, 28 October 2009, para. 8. Case File No. 002-**E1/129.1**, Case File No. 002/19-09-2007/ECCC/TC, Transcript of trial proceedings at preliminary stage, 03 October 2012, para. 74.

<sup>2349</sup> Case File No. 002-**F26/12**, Case File No. 002/19-09-2007/ECCC/TC, Decision on Objections to Document Lists Full Reasons, Classification status: Public, 31 December 2015, para. 47. Case File No. 002-**E1/129.1**, Case File No. 002/19-09-2007/ECCC/TC, Transcript of trial proceedings at preliminary stage, 03 October 2012, para. 74.

<sup>2350</sup> Case File No. 002-**F26/12**, Case File No. 002/19-09-2007/ECCC/SC, Supreme Court Chamber's Decision on Objections to Document Lists Full Reasons, Classification status: Public, 31 December 2015, para. 58.

<sup>2351</sup> Case File No. 004-**F26/12**, Case File No. 002/19-09-2007/ECCC/SC, Supreme Court Chamber's Decision on Objections to Document Lists Full Reasons, Classification status: Public, 31 December 2015, paras. 66-68.

<sup>2352</sup> One reason among other reasons of the political policy stated in Article 15 of the Convention against Torture is that it did not encourage any state to conduct torture. To avoid causing problems to this political policy and to ensure legality in the use of evidence to gather information obtained through torture, it is important to separate the following scenarios: 1) the situation that the information obtained through torture is used by the authorities conducting the torture to find witnesses, victims, escapees, or to encourage more investigations. 2) the situation that the court investigates the tortures, or attempts to use information obtained through tortures to identify types of evidence against them. The permission to use information obtained through torture as a clue of investigation in the first scenario may encourage the use of torture. For example, if an investigative body receives answers through torture and uses the implicated names obtained from the torture to find documents, people related to the investigation, those documents and testimonies of those people shall not be used as evidence in any legal proceedings. However, in the second scenario, the court has no involvement, directly or indirectly with the authority conducting the torture, and uses the information as a clue to seek evidence against the the torture. Based on our view,

the evidence from witnesses on the basis of torture-related answers shall be used in the second scenario only.

<sup>2353</sup> Case File No. 002-E350/8, Case File No. 002/19-09-2007/ECCC/TC, Trial Chamber's Decision on Evidence Obtained through Torture, Classification status: Public, 05 February 2016, paras. 63, 70.

<sup>2354</sup> Article 2 of ECCC Agreement

<sup>2355</sup> Case File No. 001-F28, Appeal Judgement in Case File No. 001, 3 February 2012, para. 57.

<sup>2356</sup> Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, para. 61.

<sup>2357</sup> Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, paras. 79-81. However, we note that the Judgement in Case File No. 001 and Judgement in Case File No. 002/01 are not referred to Internal Rule 98(7).

<sup>2358</sup> Case File No. 001-F28, Appeal Judgement in Case 001, 03 February 2012, para. 62, "*First, there is no objective method for the Trial Chamber to decide on, compare, and then rank the criminal responsibility of all Khmer Rouge officials. Second, the notion of comparative criminal responsibility is inconsistent with Article 29 of the ECCC Law, which states, "[t]he position or rank of any Suspect shall not relieve such person of criminal responsibility or mitigate punishment.*" We also question the validity of the reference to Article 19 in this context.

<sup>2359</sup> Case File No. 003-F181, Decision on MEAS Muth's Request regarding Personal Jurisdiction, 01 February 2016, para. 30.

<sup>2360</sup> Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, para. 71.

<sup>2361</sup> Case File No. 002-D427/2/15, Decision on Appeal by NUON Chea and IENG Thirith Against the Closing Order, 15 February 2011, para 103.

<sup>2362</sup> David Scheffer, the Extraordinary Chambers in the Courts of Cambodia, in M. Cherif Bassiouni, *International Criminal Law, Part 3: International Application*, 2008, 3rd ed., pp. 224-225, 240.

<sup>2363</sup> Rupert Skilbeck, *Defence of Khmer Rouge*, *International Criminal Law magazine*, Part 8(3), 2008, pp. 433-434.

<sup>2364</sup> Article 9 and Article 10 of the Statute of the ICTR. Article 8 and 9 of the Statute of the ICTR. Article 8 and Article 9 of the Statute of the ICTR. Article 4 and Article 5 of the Statute of the ICTR.

<sup>2365</sup> David Scheffer, the Extraordinary Chambers in the Courts of Cambodia, in M. Cherif Bassiouni, *International Criminal Law, Part 3: International Application*, 2008, 3rd ed., pp. 224-225, 219.

<sup>2366</sup> David Scheffer, the Extraordinary Chambers in the Courts of Cambodia, in M. Cherif Bassiouni, *International Criminal Law, Part 3: International Application*, 2008, 3rd ed., pp. 224-225, 240.

<sup>2367</sup> *Prosecutor v. Milan Lukić & Sredoje Lukić*, Decision on Milan Lukić's Appeal regarding Referral to ICTY Appeals Chamber (IT-98-32/1-AR11bis. 1), 11 July 2007, para. 25.

<sup>2368</sup> Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, paras. 46-56.

<sup>2369</sup> Case File No. 003-D191/18, Notice on the Interpretation of "Attack Against the Civilian Population" in the context of crimes against humanity with regard to state's or regime's own armed forces, 07 February 2017, para. 61.

<sup>2370</sup> Case File No. 003-D191/18, Notice on the Interpretation of "Attack Against the Civilian Population" in the context of crimes against humanity with regard to state's or regime's own armed forces, 07 February 2017, para. 21.

<sup>2371</sup> *see* Article 5 of Criminal Code 2009.

<sup>2372</sup> Article 22(2) of the ICC Statute: The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.

<sup>2373</sup> *See* Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, para. 69.

<sup>2374</sup> As an example at ECCC, the Pre-Trial Chamber once decided that the Customary Internal Law from 1975-1979 required proof of a nexus between the underlying criminal acts against humanity and an armed conflict. *See* Case File No. 002-D427/2/12, Decision on IENG Thirith and NUON Chea's Appeal against the Closing Order, 13 January 2011, p. 9. *See* corrected version of Closing Order in **Case File No. 002-D427/4/14**, Decision on KHIEU Samphan's Appeal against the Closing Order, 13 January 2011, pp. 04-05. and **Case File No. 002-D427/1/26**, Decision on IENG Sary's Appeal against the Closing Order, 13 January 2011, pp. 05-06. However, the Trial Chamber denied that the nexus requirement is not part of the definition of crimes against humanity from 1975-1979. *See*, Case File No. 002-E95/8, Decision on Co-Prosecutors' Request to exclude armed conflict nexus requirement from the definition of

crimes against humanity, 26 October 2011, para. 33. Similarly, even though the Trial Chamber considers rape is acknowledged as an offence under the law of ECCC, the Supreme Court Chamber decided that rape is not a crime against humanity under the unique judicial jurisdiction of the ECCC. See Case File No. 001-E188, Judgement, 26 July 2010, para. 366. and Case File No. 001-F28, Appeal Judgement in Case File No. 001, 03 February 2012, paras. 207-213. Since then, the Pre-Trial Chamber has implemented in accordance with the decision of the Supreme Court Chamber. and **Case File No. 002-D427/1/30**, Decision on IENG Sary's Appeal against the Closing Order, 11 April 2011, paras. 371-372. Once again, the Co-Prosecutor was seeking to define the conduct of rape as a distinct crime against humanity and expecting that the Trial Chamber would solve the problem in the Judgement in Case File No. 002/02. See Case File No. 002-E99, Co-Prosecutors' request for the Trial Chamber to recharacterize the facts establishing the conduct of rape as a crime against humanity rather than a crime against humanity of other inhumane acts, 16 June 2011. and Case File No. 002-E124, Severance order pursuant to internal rule 89ter, 22 September 2011, p. 08.

<sup>2375</sup> Extract from Christoph Safferling, "Nürnberg und die Zukunft des Völkerstrafrechts", *Juristenzeitung*, Vol. 70(22), 2015, p. 1063, footnote 34.

<sup>2376</sup> *Notissimum est, quod in delictis atrocissimis propter criminis enormitatem jura transgredi liceat.* Benedict Carpzov, *Practica nova imperialis Saxonica rerum criminalium*, 1652, Pars III, Quaestio C II.

<sup>2377</sup> Statement of the Acting International Co-Prosecutor, Submission of two new Introductory Submissions, 08 September 2009, available at [https://www.eccc.gov.kh/sites/default/files/media/ECCC\\_Act\\_Int\\_Co\\_Prosecutor\\_8\\_Sep\\_2009\\_\(Eng\).pdf](https://www.eccc.gov.kh/sites/default/files/media/ECCC_Act_Int_Co_Prosecutor_8_Sep_2009_(Eng).pdf) (last accessed on 22 March 2017)

<sup>2378</sup> "Statement by the international Co-Prosecutor regarding ECCC caseload", 26 November 2014, available at <https://www.eccc.gov.kh/en/articles/statement-international-co-prosecutor-regarding-eccc-caseload> (last accessed on 22 March 2017).

<sup>2379</sup> see Robert Cryer, *Prosecuting International Crimes-Selectivity and the International Criminal Law Regime*, 2005, Cambridge University Press.

<sup>2380</sup> Case File No. 004-D219/80, Written Record of Interview of Witness **THOU Leang**, 18 November 2014, pp. 09-10.

<sup>2381</sup> Case File No. 004-D119/30, Written Record of Interview of Witness **PHUON SunTi**, 20 March 2013, p. 08. See also, Case File No. 004-D219/153, Written Record of Interview of Witness **IM Socun**, 23 January 2015, p. 09.

<sup>2382</sup> Case File No. 004-D118/240, Written Record of Interview of Civil Party Applicant **HOEY San**, 19 May 2014, p. 11. Case File No. 004-D118/155, Written Record of Interview of Civil Party Applicant **HAO Yân**, 06 December 2013, pp. 06-08. See also Case File No. 004-D219/269, Written Record of Interview of Witness **YUN Saroeun**, 10 April 2015, pp. 08-09. Case File No. 004-D219/125, Written Record of Interview of Witness **MÀK Vanni**, 09 May 2014, p. 04.

<sup>2383</sup> Military Court, Writ of Detention No. 15/2002 -, 22 February 2002, and Military Court, Writ of Detention No. 10/03 -, 22 February 2003.

<sup>2384</sup> Seeking the Truth, draft of the Law on the Establishment of the Extraordinary Chambers, 13 February 2001, p. 86.

<sup>2385</sup> Case File No. 004/1-D308/3, Closing Order (Reasons) concerning IM Chaem in Case File No. 004/1/07-09-2009-ECCC/OCIJ, 10 July 2017, Classification status: Public, at para. 35 of the Closing Order, pp. 21-22.

<sup>2386</sup> Case File No. 004-D117/36.1.21, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973-20 May 1976, pp. 02, 16, 17. Case File No. 004-D6.1.772, Phnom Penh Domestic Service Broadcast entitled "Speech by NUON Chea at the 17th January 1977 Army Anniversary Meeting", Excerpts from broadcast extracts from speech by NUON Chea, Chairman of the the People's Representative Assembly Standing Committee and Acting Premier, at the 16th January 1977 Meeting marking the Cambodian Revolutionary Army Anniversary, pp. 01, 03. Case File No. 004-D6.1475, Written Record of Interview of Civil Party Applicant **AFFONCO Denise**, 03 June 2009, p. 05. Case File No. 004-D6.1.196, Document on French-Asia Relations, Cambodia the Liberation Years, Vol. 13, compiled by **François Ponchaud**, p.05. Case File No. 004-D6.1.815, Foreign Broadcast Information Service (FBIS) Collection of Reports, **Democratic Kampuchea Information Report on** 29 September 1977, Public Meeting occurred on 27 September 1977, Speech by Pol Pol at the Anniversary of the

Communist Party of Kampuchea, p. 08. Case File No. 004-D6.1.522, Written Record of Interview of Witness **HON Sang**, 19 July 2009, p. 03. Case File No. 004-D6.1.698, Written Record of Interview of Witness **SOM Chhom**, 10 December 2009, p. 02. Case File No. 004-D6.1.702, Written Record of Interview of Witness **MÂN Heang**, 10 December 2009, p. 03. Case File No. 004-D6.1.706, Written Record of Interview of Witness **HIM Horn**, 18 December 2009, p. 03. Case File No. 004-D6.1.1261, Speech by IENG Sary alias Van, Democratic Kampuchea Deputy Prime Minister for Foreign Affairs, in the Summit of Non-Aligned Countries occurred in Lima, Peru on 08 September 1975, p. 01. Case File No. 004-D6.1.1258, Magazine of DC-Cam: "Searching for the Truth", first quarter of 2004, entitled "Second Open Letter of KHIEU Samphan", 29 December 2003, p. 07. Case File No. 004-D6.1.1257, Speech by IENG Sary alias Van entitled "Thirty-Second Session of the UN General Assembly, 28th Plenary Meeting", p. 01.

<sup>2387</sup> Case File No. 004-D1.3.20.2, Democratic Kampuchea Government Legal Documents entitled "Constitution of Democratic Kampuchea", 6 January 1976, p. 04. Case File No. 004-D1.3.20.1, Communist Party of Kampuchea Legal Documents entitled "Communist Party of Kampuchea Statute", January 1976, pp. 03-04. Case File No. 004-D6.1.772, Phnom Penh Domestic Service Broadcast entitled "Speech by NUON Chea at the 17th January 1977 Army Anniversary Meeting", Excerpts from broadcast extracts from speech by NUON Chea, Chairman of the the People's Representative Assembly Standing Committee and Acting Premier, at the 16th January 1977 Meeting marking the Cambodian Revolutionary Army Anniversary, pp. 01-03, 08. Case File No. 004-D6.1.899, Meng-Try Ea and Sopheak Loeung's Interview with KHIEU Samphan and NUON Chea in Pailin Province, Cambodia, 09-11 June 2006, pp. 06-07. Case File No. 004-D6.1.746, The Revolutionary Flag, Special Issue, October-November 1975, p. 9. Case File No. 004-D1.3.31.1, "The Party's Four-Year Plan to Build Socialism in All Fields, 1977-1980". Case File No. 004-D6.1.115, Written Record of Interview of Witness **CHUCH Punlork** alias Punlork, 26 August 2008, p. 04. Case File No. 004-D6.1.100, The Revolutionary Flag, Issue 7, July 1976, pp. 04-05, 17. Case File No. 004-D6.1.1073, Answers of **KAING Guek Eav** alias Duch, former Chairman of S-21 Security Centre, to the written questions of the Co-Investigating Judge, 21 October 2008, pp. 02, 13. Case File No. 004-D1.3.27.3, DK Government Report from 04 May 1977 to 29 May 1977, p. 03. Case File No. 004-D322/8.1.6, "Abbreviated Lesson on the History of the Kampuchean Revolutionary Movement Led by the Communist Party of Kampuchea", pp. 02, 14, 16, 17, 18, 22, 24. Case File No. 004-D117/36.1.21, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973-20 May 1976, pp. 02, 16, 25. Case File No. 004-D6.1.579, Telegram No. 202, report from Angk Ta Saom to beloved and respected comrade police officer of Tram Kak District, 01 March 1978, p. 01. Case File No. 004-D132.1.97, Revolutionary Army adopts Resolutions on SRV (Social Republic of Vietnam) dispute, Phnom Penh Domestic Service Broadcast, Cambodia, 04 January 1978, pp. 02-03. Case File No. 004-D6.1.196, **Francois Ponchaud**, "Liberated Cambodia" Echange France-Asie, Special Report No. 13, January 1976, p.05. Case File No. 004-D6.1.815, Foreign Broadcast Information Service (FBIS) Reports, Democratic Kampuchea Information Report entitled "**Public Meeting on 27 September 1977, POL Pot Speech during the Anniversary of the Communist Party of Kampuchea,**" 29 September 1977, pp. 03, 10. Case File No. 004-D1.3.15.1, Report of Expert **Craig C. Etcheson**, 18 July 2007, pp. 08, 39. Case File No. 004-D6.1.745, The Revolutionary Flag, Issue 09, September-October 1978, pp. 02-03, 17.

<sup>2388</sup> Case File No. 004-D6.1.675, Written Record of Interview of Witness **IENG Chham** alias Chhi, 08 November 2009, p. 07. Case File No. 004-D6.1.899, Meng-Try Ea and Sopheak Loeung's Interview with KHIEU Samphan and NUON Chea in Pailin Province, Cambodia, 09-11 June 2006, pp. 06-07.

<sup>2389</sup> Case File No. 004-D117/36.1.21, The Third Anniversary of the Organization of Peasant Cooperatives, 20 May 1973-20 May 1976, p. 19. Case File No. 004-D6.1.196, **Francois Ponchaud**, "Liberated Cambodia" Echange France-Asie, Special Report No. 13, January 1976, p. 07. Case File No. 004-D6.1.813, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "**The Revolutionary Angkar presents prizes to three (3) districts**", 23 July 1977, p. 02. Case File No. 004-D1.3.15.1, Report of Expert **Craig C. Etcheson**, 18 July 2007, pp. 12-13. Case File No. 004-D6.1.1262, Speech by IENG Sary alias Van, Democratic Kampuchea Deputy Prime Minister for Foreign Affairs, in the Summit of Non-Aligned Countries occurred in Lima, Peru on 08 September 1975, p. 01.

<sup>2390</sup> Case File No. 004-**D6.1.837**, CPK Document's third document entitled "Governing and Carrying Out Policy and Restoring all Fields of the Country (3<sup>rd</sup> document)". This document concerns Economy, Finance, Culture, and Social Affairs, p. 01. Case File No. 004-**D6.1.899**, Meng-Try Ea and Sopheak Loeng's Interview with KHIEU Samphan and NUON Chea in Pailin Province, Cambodia, 09-11 June 2006, pp. 04-05. Case File No. 004-**D6.1.118**, Written Record of Interview of Witness **DUCH Phleu**, 28 August 2008, p. 03. Case File No. 004-**D6.1.127**, Written Record of Interview of Witness **SUN Năt** alias Năt, 18 November 2008, p. 04. Case File No. 004-**D6.1.811**, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report, 23 May 1977, p. 23.

<sup>2391</sup> Case File No. 004-**D6.1.811**, Foreign Broadcast Information Service (FBIS) Collection of Reports for May 1977, Democratic Kampuchea Information Report entitled "Interview with Deputy Prime Minister for Foreign Affairs IENG Sary by Italian Journalist TISIANO TEZANY, 04 May 1977, p. 14. Case File No. 004-**D6.1.196**, **Francois Ponchaud** "Liberated Cambodia" Echange France-Asie, Special Report No. 13, January 1976, January 1976, pp. 06-07. Case File No. 004-**D322/8.1.6**, "Abbreviated Lesson on the History of the Kampuchean Revolutionary Movement Led by the Communist Party of Kampuchea", pp. 10, 12, 23. Case File No. 004-**D6.1.813**, Foreign Broadcast Information Service (FBIS) Collection of Reports, Democratic Kampuchea Information Report entitled "The Revolutionary *Angkar* presents prizes to three districts", 23 July 1977, p. 02. Case File No. 004-**D6.1.1257**, Speech by IENG Sary alias Van entitled "Thirty-Second Session of the UN General Assembly, 28th Plenary Meeting", pp. 02-03. Case File No. 004-Document **D6.1.774**, Presentation of Comrade Secretary POL Pot in the First Meeting of Ministers on 22 April 1976, pp. 05-06.

<sup>2392</sup> Case File No. 004-**D6.1.1073**, Answers of **KAING Guek Eav** alias Duch, former Chairman of S-21 Security Centre, to the written questions of the Co-Investigating Judge, 21 October 2008, p. 02. Case File No. 004-**D322/8.1.6**, "Abbreviated Lesson on the History of the Kampuchean Revolutionary Movement Led by the Communist Party of Kampuchea", pp. 03, 07, 16. Case File No. 004-**D132.1.97**, Revolutionary Army adopts Resolutions on SRV (Social Republic of Vietnam) dispute, Phnom Penh Domestic Service Broadcast, Cambodia, 04 January 1978, p. 02. Case File No. 004-Document **D6.1.774**, Presentation of Comrade Secretary POL Pot in the First Meeting of Ministers on 22 April 1976, p. 01.

<sup>2393</sup> Case File No. 004-**D1.3.36.1**, Written Record of Interview of Charged Person **KHIEU Samphan** alias Hem (former Head of State of Democratic Kampuchea), 13 December 2007, p. 08. Case File No. 004, Document No. **D1.3.20.1**, Communist Party of Kampuchea Legal Documents entitled "Communist Party of Kampuchea Statute", issued in January 1976, Article 21 to Article 25, pp. 48-51. Case File No. 004-**D6.1.985**, Written Record of Interview of Witness **SĂO Phên**, 05 April 2010, p. 04.

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<sup>2439</sup> Case File No. 004-D6.1.1100, DC-Cam Analysis Report by **YOUK Chhang** entitled “The Risk: The Cover Pages” p. 160.

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<sup>2444</sup> Case File No. 002-D427, Closing Order in Case File No. 002/19-09-2007/ECCC-OCIJ, 15 September 2010, para. 251, p. 81. Case File No. 004-D6.1.1073, Answers of **KAING Guek Eav** alias Duch, former Chairman of S-21 Security Centre, to the written questions of the Co-Investigating Judges, 21 October 2008, p. 13.

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2008, p. 05. Case File No. 004-D6.1.188, Written Record of Interview of Witness **DI Yët alias Pech**, 06 August 2008, pp. 03, 08. Case File No. 004-D6.1.344, Written Record of Interview of Witness **SIM Leang**, 02 February 2009, p. 03. Case File No. 004-D6.1.347, Written Record of Interview of Witness **KIV Mau**, 05 February 2009, p. 04. Case File No. 004-D6.1.349, Written Record of Interview of Witness **KÈV Kin**, 12 February 2009, p. 03. Case File No. 004-D6.1.360, Written Record of Interview of Witness **CHHUY Huy**, 31 March 2009, pp. 04, 06. Case File No. 004-D6.1.361, Written Record of Interview of Witness **KHĪN Vat**, 06 April 2009, p. 03. Case File No. 004-D6.1.364, Written Record of Interview of Witness **CHHOEUN Sèm**, 21 April 2009, p. 03. Case File No. 004-D6.1.373, Written Record of Interview of Witness **POL OI**, 07 May 2009, pp. 03, 05. Case File No. 004-D6.1.380, Written Record of Interview of Witness **THUN Sovät** alias Vē, 23 June 2009, p. 03. 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Case File No. 004-D6.1.698, Written Record of Interview of Witness **SOM Chhom**, 10 December 2009, pp. 06-07. Case File No. 004-D6.1.705, Written Record of Interview of Witness **MEAS Soeun**, 18 December 2009, p. 06. Case File No. 004-D6.1.708, Written Record of Interview of Witness **PREAP Văn**, 21 December 2009, p. 03. Case File No. 004-D6.1.1069, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 29 November 2007, p. 03. Case File No. 004-D6.1.1065, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 23 August 2007, pp. 07, 09-10. Case File No. 004-D6.1.1064, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 06 May 2008, p. 10. Case File No. 004-D6.1.1062, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 30 April 2008, pp. 05, 09. Case File No. 004-D6.1.1094, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 15 July 2008, pp. 08-09. 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<sup>2494</sup> Case File No. 004-D6.1.425, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, p. 05. Case File No. 004-D6.1.427, Written Record of Interview of Witness **LIV Peou**, 19 December 2008, p. 05.

<sup>2495</sup> Case File No. 004-D6.1.705, Written Record of Interview of Witness **MEAS Soeun**, 18 December 2009, p. 15. Case File No. 004-D6.1.708, Written Record of Interview of Witness **PREAP Văn**, 21 December 2009, p. 06. Case File No. 004-D6.1.513, Written Record of Interview of Witness **KIM Vun** alias Chhaom, 28 July 2009, p. 04.

<sup>2496</sup> Case File No. 004-D6.1.532, Khieu Samphan, "Consideration on the History of Cambodia from Early Stage to the Period of Democratic Kampuchea", Reahu Publishing Service, October 2007, p. 240. Case File No. 004-D6.1.1051, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 04 December 2007, p. 04. Case File No. 004-D6.1.1055, Written Record of Interview of Charged Person **KAING Guek Eav** alias Duch, 19 February 2008, pp. 03-05.

<sup>2497</sup> Case File No. 004-D6.1.197, Report by Demography Expert entitled "Victims of the Khmer Rouge Regime from April 1975 to January 1979: In depth Analysis of Important Estimations" by Dr. Iva Tabo and Mr. Thei Kheam, 30 September 2009, p. 16. Case File No. 004-D6.1.1231, United Nations Economic and Social Council, E/CN.4/1335, 30 January 1979, UN Commission on Human Rights, Report on Thirty-Fifth Session, Point Five of the Provisional Agenda entitled "Question of the violation of human rights and fundamental freedom in any part of the world, with particular reference to colonial and other dependent countries and territories", p. 03.

<sup>2498</sup> Case File No. 004-D6.1.727, Written Record of Interview of Witness **SOUTR Toeung**, 02 December 2009, p. 10. Case File No. 004-D6.1.728, Written Record of Interview of Witness **MEAS Voenuon** alias **SVAY Voenuon**, 16 December 2009, p. 04. Case File No. 004-D6.1.734, Written Record of Interview of Witness **SOKH Chhien**, 19 August 2009, p. 09. Case File No. 004-D6.1.784, Written Record of Interview of Witness **MEAS Sokha** alias Thlang, 31 October 2007, p. 02. Case File No. 004-D6.1.715, Written Record of Interview of Witness **SALOT Ban** alias **LOT Nitya** alias **SO Hong**, 22 July 2009, p. 03. Case File No. 004-D6.1.716, Written Record of Interview of Witness **YUNG Yem** alias **YUNG Moeun**, 31 August 2009, p. 03. Case File No. 004-D6.1.79, Written Record of Interview of Witness **UCH Sorn**, 28 March 2008, p. 03. Case File No. 004-D6.1.80, Written Record of Interview of Witness **CHĂN Khân**, 31 March 2008, p. 04. Case File No. 004-D6.1.108, Written Record of Interview of Witness **SOH Punyamin** alias **SOH Min**, 16 August 2008, p. 03. Case File No. 004-D6.1.115, Written Record of Interview of Witness **CHUCH** alias **Punlork**, 26 August 2008, p. 07. Case File No. 004-D6.1.116, Written Record of Interview of Witness **TES Heanh**, 27 August 2008, p. 04. Case File No. 004-D6.1.142, Written Record of Interview of Witness **CHEA Lêng** alias **OENG Tangchhêng**, 18 December 2008, p. 06. Case File No. 004-D6.1.143, Written Record of Interview of Witness **CHĂK Maklli**, 13 January 2009, p. 11. Case File No. 004-D6.1.119, Written Record of Interview of Witness **SĂY Sên**, 01 September 2008, p. 12. Case File No. 004-D6.1.125, Written Record of Interview of Witness **THOENG Leap** alias **TOENG Lănh**, 28 October 2008, p. 05. Case File No. 004-D6.1.133, Written Record of Interview of Witness **ĒK Sokh**, 19 November 2008, p. 02. Case File No. 004-D6.1.134, Written Record of Interview of Witness **DUONG Sau**, 20 November 2008, p. 02. Case File No. 004-D6.1.153, Written Record of Interview of Witness **YIM Sophat** alias **Phat**, 29 May 2008, p. 08. Case File No. 004-D6.1.160, Written Record of Interview of Witness **SUM Alăt** alias **CHHONG Lat**, 10 June 2008, p. 03. Case File No. 004-D6.1.161, Written Record of Interview of Witness **SUY Sengchhorn**, 11 June 2008, p. 04. Case File No. 004-D6.1.347, Written Record of Interview of Witness **KIV Mau**, 05 February 2009, p. 03. Case File No. 004-D6.1.350, Written Record of Interview of Witness **SUM Sokhân** alias **Sreang**, 13 February 2009, p. 05. Case File No. 004-D6.1.357, Written Record of Interview of Witness **PĒNG Bunthara**, 27 March 2009, p. 07. Case File No. 004-D6.1.359, Written Record of Interview of Witness **CHHOEUNG Uo**, 29 March 2009, p. 05. Case File No. 004-

**D6.1.369**, Written Record of Interview of Witness **MÈN Lē**, 20 April 2009, p. 05. Case File No. 004-**D6.1.428**, Written Record of Interview of Witness **CHHIT Īn**, 19 December 2008, p. 04. Case File No. 004-**D6.1.441**, Written Record of Interview of Witness **KOL Lim**, 17 September 2008, p. 03. Case File No. 004-**D6.1.396**, Written Record of Interview of Witness **VĂN Thēng**, 08 October 2008, p. 04. Case File No. 004-**D6.1.721**, Written Record of Interview of Witness **PRĀK Yut** alias Yeay Yut, 18 November 2009, p. 05. Case File No. 004-**D6.1475**, Written Record of Interview of Civil Party Applicant **AFFONCO Denise**, 03 June 2009, p. 15. Case File No. 004-**D6.1.2**, Interview No. 19 with Interviewee **Ta Tham** by **Craig Etcheson**, 28 March 2002, p. 07. Case File No. 004-**D6.1.53**, **BEN Kiernan**, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, pp. 04, 10, 17. Case File No. 004-**D6.1.410**, Written Record of Interview of Witness **MEAS Laihuo**, 20 November 2008, p. 04. Case File No. 004-**D6.1.425**, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, p. 04. Case File No. 004-**D6.1.427**, Written Record of Interview of Witness **LĪV Peou**, 19 December 2008, p. 04. Case File No. 004-**D6.1.698**, Written Record of Interview of Witness **SOM Chhom**, 10 December 2009, p. 05. Case File No. 004-**D6.1.1260**, The True fact about POL Pot’s Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 08. Case File No. 004-**D219/472**, Written Record of Interview of Civil Party Applicant **SUM Chanthol**, 24 August 2015, p. 06. Case File No. 004-**D6.1.648**, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, pp. 04-05.

<sup>2499</sup> Case File No. 004-**D6.1.103**, Written Record of Interview of Witness **TEH Sren**, 13 August 2008, p. 04. Case File No. 004-**D6.1.115**, Written Record of Interview of Witness **CHUCH** alias Punlork, 26 August 2008, p. 07. Case File No. 004-**D6.1.119**, Written Record of Interview of Witness **SĀY Sèn**, 01 September 2008, p. 12. Case File No. 004-**D6.1.138**, Written Record of Interview of Witness **UM Mom**, 24 November 2008, p. 02. Case File No. 004-**D6.1.153**, Written Record of Interview of Witness **YIM Sopath** alias Phat, 29 May 2008, p. 08. Case File No. 004-**D6.1.165**, Written Record of Interview of Witness **IM Ān**, 17 June 2008, p. 04. Case File No. 004-**D6.1.344**, Written Record of Interview of Witness **SIM Leang**, 02 February 2009, p. 04. Case File No. 004-**D6.1.354**, Written Record of Interview of Witness **CHĀN Mân** alias CHUOP Sokhon alias Kuy alias Et, 04 March 2009, p. 06. Case File No. 004-**D6.1.356**, Written Record of Interview of Witness **LACH Kri**, 24 September 2008, p. 04. Case File No. 004-**D6.1.357**, Written Record of Interview of Witness **PĒNG Bunthara**, 27 March 2009, p. 07. Case File No. 004-**D6.1.359**, Written Record of Interview of Witness **CHHOEUNG Uo**, 29 March 2009, p. 05. Case File No. 004-**D6.1.378**, Written Record of Interview of Witness **CHE Li** alias SIT Li, 21 May 2009, p. 05. Case File No. 004-**D6.1.428**, Written Record of Interview of Witness **CHHIT Īn**, 19 December 2008, p. 04. Case File No. 004-**D6.1.433**, Written Record of Interview of Witness **NHIM Laoh**, 23 December 2008, p. 04. Case File No. 004-**D6.1.441**, Written Record of Interview of Witness **KOL Lim**, 17 September 2008, p. 03. Case File No. 004-**D6.1.443**, Written Record of Interview of Witness **UT Sēng**, 14 January 2009, p. 09. Case File No. 004-**D6.1.450**, Written Record of Interview of Witness **SAOM Phăn**, 30 January 2009, p. 05. Case File No. 004-**D6.1.451**, Written Record of Interview of Witness **SAING Nhâm**, 29 January 2009, p. 04. Case File No. 004-**D6.1.453**, Written Record of Interview of Witness **HĒNG Samuot**, 31 January 2009, p. 05. Case File No. 004-**D6.1.396**, Written Record of Interview of Witness **VĂN Thēng**, 08 October 2008, p. 04. Case File No. 004-**D6.1.384**, Written Record of Interview of Witness **TEP Poch**, 04 July 2009, p. 06. Case File No. 004-**D219/348**, Written Record of Interview of Witness **UM Tân** alias Vooun, 02 June 2015, p. 12. Case File No. 004-**D6.1.721**, Written Record of Interview of Witness **PRĀK Yut** alias Yeay Yut, 18 November 2009, p. 05. Case File No. 004-**D6.1475**, Written Record of Interview of Civil Party Applicant **AFFONCO Denise**, 03 June 2009, p. 18. Case File No. 004-**D6.1.53**, **BEN Kiernan**, “Khmer Bodies with Vietnamese Minds – Kampuchea’s Eastern Zone 1975-1978”, Centre for Southeast Asian Studies, Monash University, p. 17. Case File No. 004-**D6.1.409**, Written Record of Interview of Witness **CHUM Lorn**, 19 November 2008, p. 03. Case File No. 004-**D6.1.410**, Written Record of Interview of Witness **MEAS Laihuo**, 20 November 2008, p. 05. Case File No. 004-**D6.1.411**, Written Record of Interview of Witness **SOKH Kocun** alias SĪN Saroeun, 20 November 2008, p. 03. Case File No. 004-**D6.1.412**, Written Record of Interview of Witness **CHOEU Saing**, 21 November 2008, p. 05. Case File No. 004-**D6.1.423**, Written Record of Interview of Witness **HĒNG Nea**, 10 December 2008, p. 03. Case File No. 004-**D6.1.425**, Written Record of Interview of Witness **TÀNN Than**, 18 December 2008, p. 04. Case File No. 004-

**D6.1.426**, Written Record of Interview of Witness **LIV Saleang**, 18 December 2008, p. 03. Case File No. 004-**D6.1.427**, Written Record of Interview of Witness **LIV Peou**, 19 December 2008, p. 04. Case File No. 004-**D6.1.639**, Written Record of Interview of Witness **PÁT Nan**, 10 March 2009, p. 03. Case File No. 004-**D6.1.708**, Written Record of Interview of Witness **PREAP Vän**, 21 December 2009, p. 04. Case File No. 004-**D6.1.1260**, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 07. Case File No. 004-**D6.1.648**, Written Record of Interview of Witness **UK Phorn**, 22 August 2009, p. 04.

<sup>2500</sup> Case File No. 004-**D6.1.727**, Written Record of Interview of Witness **SOUTR Toeung**, 02 December 2009, p. 10. Case File No. 004-**D6.1.734**, Written Record of Interview of Witness **SOKH Chhien**, 19 August 2009, p. 09. Case File No. 004-**D6.1.721**, Written Record of Interview of Witness **PRĀK Yut** alias Yeay Yut, 18 November 2009, pp. 05-06. Case File No. 004-**D6.1.722**, Written Record of Interview of Witness **PRĀK Yut** alias Yeay Yut, 19 November 2009, p. 03. Case File No. 004-**D6.1.108**, Written Record of Interview of Witness **SOH Punyamin** alias SOH Min, 16 August 2008, p. 03. Case File No. 004-**D6.1.142**, Written Record of Interview of Witness **CHEA Lēng** alias OENG Tangchhēng, 18 December 2008, p. 06. Case File No. 004-**D6.1.165**, Written Record of Interview of Witness **IM Ān**, 17 June 2008, p. 04. Case File No. 004-**D6.1.343**, Written Record of Interview of Witness **YI Lai Sauv**, 02 February 2009, p. 04. Case File No. 004-**D6.1.350**, Written Record of Interview of Witness **SUM Sokhân** alias Sreang, 13 February 2009, p. 05. Case File No. 004-**D6.1.354**, Written Record of Interview of Witness **CHĀN Mân** alias CHUOP Sokhon alias Kuy alias Et, 04 March 2009, p. 07. Case File No. 004-**D6.1.396**, Written Record of Interview of Witness **VĀN Thēng**, 08 October 2008, p. 04. Case File No. 004-**D6.1.53**, BEN Kiernan, "Khmer Bodies with Vietnamese Minds – Kampuchea's Eastern Zone 1975-1978", Centre for Southeast Asian Studies, Monash University, p. 05. Case File No. 004-**D6.1.1260**, The True fact about POL Pot's Dictatorial regime 1975-1978, Research Centre and Democratic National United Movement (DNUM), 08 September 1996, p. 06.

<sup>2501</sup> Case File No. 004-**D6.1.598**, Ian Harris, "Buddhism under POL Pot", p. 150. Case File No. 004-**D6.1.943**, Alexander Laban Hinton, "Why Did They Kill?", pp. 128, 128. Case File No. 004-**D6.1.477**, Written Record of Interview of Witness **CHUON Prâseth**, 08 June 2009, p. 06.

<sup>2502</sup> International Criminal Tribunal for Rwanda, <http://unictr.irmct.org/en/tribunal>; Genocide, <http://unictr.unmict.org/en/genocide>.

<sup>2503</sup> Bosnia Genocide, <https://infogram.com/bosnian-genocide-lgrv02gr0y0jplx>

<sup>2504</sup> Case-003- **D266**, Order Dismissing the Case Against MEAS Muth, 28 November 2018 (Classification status: Public), para. 169.

<sup>2505</sup> Case File No. 004-**D6.1.688**, Written Record of Interview of Witness **BUN Thien**, 17 August 2009, p. 11. Case File No. 004-**D6.1.650**, Written Record of Interview of Witness **PECH Chim**, 25 August 2009, p. 04. Case File No. 004-**D219/261**, Written Record of Interview of Witness **KHOEUN Sngoeun** alias PHAN Sngoeun, 06 April 2015, p. 06. Case File No. 004-**D219/277**, Written Record of Interview of Witness **KHOEUN Sngoeun** alias PHAN Sngoeun, 03 February 2016, p. 09.

<sup>2506</sup> Case File No.004/2-**D359**, Order Dismissing the Case Against AO An, 16 August 2018 (Classification status: Public), para. 508.

<sup>2507</sup> Case File No.004/2-**D359**, Order Dismissing the Case Against AO An, 16 August 2018 (Classification status: Public), para. 517.

<sup>2508</sup> Case-003- **D266**, Order Dismissing the Case Against MEAS Muth, 28 November 2018 (Classification status: Public), para. 423.

<sup>2509</sup> Case File No. 004/2- **D359**, Order Dismissing the Case Against AO An, 16 August 2018 (Classification status: Public), paras. 547-548.

<sup>2510</sup> The National Co-Investigating Judge wishes to recall that he does not recognize or accept as valid any documents created and/or filed by former Reserve International Co-Investigating Judge **Laurent Kasper-Ansermet**. Therefore, the Case File documents numbering should run from the last document put on the case file by former International Co-Investigating Judge **Siegfried BLUNK** and not count any documents filed by Reserve International Co-Investigating Judge **Laurent Kasper-Ansermet**. The National Co-Investigating Judge further note that in the framework of practices by Cambodia, the facts that failed to be mentioned or disclosed during the investigation are inadmissible for legal considerations in this Closing Order. However, given that this Closing Order dismisses the case on the mere ground of lack of personal jurisdiction, the criteria that are not applicable under the national law, the National Co-

Investigating Judge recognize that apart from describing the facts relating to the participation of the accused and the gravity of the alleged crimes, it is necessary to give specific legal considerations to those facts at least to determine if they fall under the jurisdiction of ECCC, which may result in determining the gravity of the alleged crimes in the framework of personal jurisdiction.