



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King**

**Royaume du Cambodge
Nation Religion Roi**

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**

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ORDER DISMISSING THE CASE AGAINST MEAS MUTH

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TABLE OF CONTENTS

Chapter 1. Introduction	5
Section 1. Note on the Closing Order	5
Section 2. The Establishment of the Extraordinary Chambers in the Courts of Cambodia ...	9
Chapter 2. Procedural History.....	9
Chapter 3. Facts	19
Section 1. The History of the Communist Party of Kampuchea	19
Section 2. Administrative Structure.....	32
A. Communist Party of Kampuchea	32
B. The Central Committee	33
1. The Composition.....	33
2. Authority	36
C. The Standing Committee	36
1. The Establishment and Composition	37
2. Authority	38
D. Offices.....	38
1. Political Office 870	39
2. Government Office or Office S-71	39
E. Ministries.....	40
1. National Assembly.....	41
2. Justice.....	42
Section 3. Military Structure	42
A. RAK Establishment	42
B. RAK Roles	43
C. CPK Military.....	43
1. Military Committee of the Central Committee	43
1.1. Structure	43
1.2. Composition.....	44
1.3. Roles and Functions	44
1.4. Authority	45
2. General Staff	45
2.1. The Structure of the General Staff	45

2.2. Composition.....	46
2.3. Roles and Functions	47
2.4. Authority	48
D. RAK Composition	49
1. Regular Army.....	49
2. Centre Divisions.....	50
2.1. Division 164.....	51
3. Zone Army	55
4. Militia.....	56
E. RAK Communication.....	56
1. Communication between Divisions and the Central Committee	56
2. Communication within Divisions	58
F. Relations between MEAS Muth and the General Staff.....	58
G. Discipline.....	60
Section 4. The Policy to Purge in the Military Rank.....	60
A. The Purge Policy.....	60
B. RAK Participation in Purges.....	65
C. MEAS Muth's Participation in Purges	67
Section 5. MEAS Muth's Role and Participation.....	68
A. MEAS Muth's Personal Details.....	68
B. Authority and Role in Crimes	68
1. S-21 Security Centre	69
1.1. Establishment of S-21 Security Centre	69
1.2. Function of S-21 Security Centre	69
1.3. Arrests, Detentions, and Executions	70
1.4. MEAS Muth's Participation in the Purge at S-21 Security Centre.....	72
2. Wat Enta Nhien Security Centre.....	74
2.1. Location and Establishment of Wat Enta Nhien Security Centre.....	74
2.2. Structure and Functioning.....	75
2.3. Functioning	75
2.4. Arrests, Detentions, and Execution of Prisoners	75
2.5. Participation and Authority.....	76
3. Stung Hav Rock Quarry.....	76

3.1. Location, Establishment, Time, and Structure.....	76
3.2. Functioning	77
3.3. Working and Living Conditions	77
3.4. MEAS Muth’s Participation	78
4. Crimes Committed by the DK Navy on Cambodian Territorial Waters and Islands	78
4.1. Incidents.....	78
4.2. Number of Victims	79
5. Conflict with Vietnam.....	81
6. Detention Centre 810 (Division 801).....	82
6.1. The Scope of Responsibilities.....	83
6.2. The Purge in Division 801	85
6.3. Responsibilities of Those Sent to S-21 Security Centre	87
7. RAK Security Centres and Other Execution Sites.....	89
Chapter 4. Evidentiary Considerations	89
Chapter 5. Criteria for Personal Jurisdiction.....	91
Section 1. Law and Jurisprudence on Personal Jurisdiction.....	91
Section 2. The Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia	94
Section 3. Narrow Interpretation and the Principle of “ <i>in dubio pro reo</i> ”	94
Section 4. The Context of the Democratic Kampuchea Regime and the System of Decision-making	96
Section 5. The Intent of the Extraordinary Chambers in the Courts of Cambodia Law Drafters	97
Chapter 6. Reasoning and Conclusion	103

**We, YOU Bunleng, the National Co-Investigating Judge of the Extraordinary
Chambers in the Courts of Cambodia (ECCC),**

- **Noting** the “Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia” dated 27 October 2004;
- **Noting** the International Co-Prosecutor’s Second Introductory Submission regarding the Revolutionary Army of Kampuchea (“RAK”) dated 20 November 2008, filed to the Co-Investigating Judges on 8 September 2009, requesting the investigation into the charges, against **MEAS Muth**, with **crime against humanity, grave breaches of the Geneva Conventions of 12 August 1949, and crimes of homicide and torture**, violations of the 1956 Penal Code (Articles 500, 501, 503, 504, 505, 506, 507 and 508), punishable under Articles 3 (new), 5, 6, 29 (new) and 39 (new) of the ECCC Law;¹
- **Noting** Rules 55, 66 and 67 of the ECCC Internal Rules (Revision 9, dated 16 January 2015);
- **Noting** Rule 66 *bis* of the ECCC Internal Rules (Revision 9, dated 16 January 2015);
- **Noting** the public redacted copy of Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71, dated 18 August 2009;
- **Noting** the Notice of Conclusion of Judicial Investigation notified by the National and International Co-Investigating Judges on 29 April 2011;²
- **Noting** the Forwarding Order of 7 February 2013;³
- **Noting** the International Co-Prosecutor’s Response to Forwarding Order of 8 February 2013.⁴

Chapter 1. Introduction

Section 1. Note on the Closing Order

1. In this Closing Order, **MEAS Mut** is referred to as the “Charged Person” since, in theory, the persons named in the Co-Prosecutors’ Introductory Submission are already

considered the “charged persons” even though they haven not been charged. This practice is to afford certain rights to the persons named in the Co-Prosecutors’ Introductory Submission for the preparation of the defence of their rights and interest against other parties.

2. The documents used in this Closing Order consist of the materials that were filed in the case file before 29 April 2011 when the two Co-Investigating Judges agreed to conclude the investigation. In order to ensure the transparency and the right of the Charge Person, we will not use the documents submitted into the case file after the date of the conclusion of the investigation. However, it is possible that documents which are parts of the investigation before the conclusion of the investigation were subsequently filed into this case file. Documents to be used include documents in Case 003 obtained from the investigation and transferred from Cases 001, 002, and 004. They are divided into 21 categories such as telegrams, minutes of meetings, DC-Cam documents, and written records of interview of witnesses which constitute the vast majority, up to nearly 500 documents.⁵ In the last category, there are 186 statements of insider witnesses such as DK regime cadres which were made under the framework of Case 003.
3. This Closing Order focuses on whether **MEAS Mut** is a leader or among those most responsible under the ECCC jurisdiction. Based on the jurisprudence of the ECCC and international criminal courts which will be presented below, and in order to decide on the issue of personal jurisdiction, we will consider the alleged facts against **MEAS Mut** in the Introductory Submission, reflecting two main criteria: (1) severity of the crimes and (2) level of **MEAS Mut’s** participation. In this context, it is unnecessary for us to describe the types of crimes, legal qualifications or mode of liability. Legally speaking, such consideration is required only for an indictment.⁶ Finally, based on the principle of making an assessment of all the facts and to follow proper legal procedures, only evidence gathered prior to the conclusion of the investigation will be considered for personal jurisdiction in this Order. In case of doubt, the charged person shall benefit thereby.
4. Drafting a closer order, whether it is an indictment, requires sufficient time to ensure that limited human resources could undertake the task successfully. The Office of the

National Co-Investigating Judge only has one officer in charge of Case 003 and Case 004/02 while almost entire office staff worked on the case against Duch (4 officers). In addition to the large scope of Case 003, there are complicated procedural issues. Parties make their respective submissions which lead to delay and the National Co-Investigating Judge must decide on those submissions as required by the ECCC Law and Internal Rules. For instance, **MEAS Mut** filed an application to annul torture-tainted evidence as witness statements had been placed on the case file before the conclusion of the investigation on 29 April 2011.⁷

5. The right to a decision in a reasonable time is a fundamental right of fair trial rights.⁸ It is unclear in Article 14 of the International Covenant on Civil and Political Rights as when the time starts to run. According to jurisprudence, the time period includes the investigation and the actual trial.⁹ Thus, to assess the time period, one shall consider the general and common situations so as to decide whether the right has been violated. These factors include the complexity of the case file or dilatory acts of the charged person and the judicial authority, etc. Such consideration shall be based on each case. The European Court of Human Rights states that, *“The reasonable time of the proceedings shall be assessed based on specific situation of each case by considering... in particular the complexity of the case file and the acts of the complainant and the relevant authorities.”*¹⁰
6. Due to the complexity of the process, the National Co-Investigating Judge needed to wait for the issuance of the closing order and the two Co-Investigating Judges agreed to issue the closing orders simultaneously to minimize complexity arising out of issuing two closing orders at a different time. This would assist parties in their understanding of the contents of the two closing orders at the same time and providing them with the basis for exercising their rights.
7. Rule 72 of the Internal Rules describes the settlement of disagreements between the co-investigating judges. It can be an internal record placed in a register of disagreements which is what the two Co-Investigating Judges have done and a submission to the Pre-Trial Chamber for decision. Rule 72 only describes the disagreements related to investigative acts. The two Co-Investigating Judges are of the view that this settlement mechanism for disagreements does not mean for

disagreements on the type and choice of issuing the closing orders. Accordingly, the Co-Investigating Judges did not make any submission to the Pre-Trial Chamber. Instead, they placed the disagreements in an internal register.¹¹ Furthermore, reasons for issuing two separate closing orders are provided for in the decision.¹² The [ECCC] Law and Agreement do not bar the Co-Investigating Judges from issuing two separate closing orders. The lack of such rules does not make issuance of two closing orders illegal.

8. In this regard, the issuance of the closing orders in 2018, five years after the case was forwarded for review and seven years after the investigation concluded is not groundless. The Internal Rules do not specify the time limit for issuing closing orders at the conclusion of the investigation. Furthermore, the Co-Investigating Judges are still in possession of the case file until the issuance of the closing orders. The ECCC possesses a unique feature where one national judge and one international judge shall work together.
9. As shown in Section IV, the National Co-Investigating Judge considers that there is no error in the description of the type and probative value of the evidence in this Closing Order. Article 321 (evidence evaluation by court) of the 2007 Cambodian Code of Criminal Procedure and the principle of free admission of evidence in the common law system does not provide such prohibition. In practice and in a sensible way, there is a distinction between types of evidence, namely between the hearsay evidence and the direct evidence. What is important is to consider the actual evidence guided by the rules governing the relevancy, legitimacy and objectivity of the evidence.
10. With respect to evidence alleged to have been obtained through torture, the National Co-Investigating Judge has the discretion to assess the probative value of the evidence gathered by taking into account its characteristics, relevancy, legitimacy and objectivity and by considering the jurisprudence of the Trial Chamber¹³ and the Supreme Court Chamber¹⁴ so that the process could be expedited without having to seize the Pre-Trial Chamber.

11. **MEAS Mut** and **SOU Met** are the two charged persons named in Case 003.¹⁵ **SOU Met** died on 14 June 2013.¹⁶ The two Co-Investigating Judges decided to close the case file against **SOU Met**.¹⁷ Since his death terminated all the charges, the National Co-Investigating Judge deems that it is unnecessary to include detailed decision in this closing order beyond what has been laid out in the previous decision of this case.
12. We will present the procedural history concerning the investigation in Case 003. Furthermore, we will also present applicable laws on personal jurisdiction over **MEAS Mut** and the reasons for not charging **MEAS Mut**. We subsequently explain the evaluation of the evidence related to all the charges against **MEAS Mut**. Based on these grounds, we will make a conclusion on the ECCC jurisdiction over **MEAS Mut**.

Section 2. The Establishment of the Extraordinary Chambers in the Courts of Cambodia

13. Following the Royal Government of Cambodia's official request for assistance on 21 June 1997,¹⁸ an agreement was signed on 6 June 2003 between the United Nations and the Royal Government of Cambodia to bring to trial senior leaders of the DK regime and those who were most responsible for the crimes and serious violations of Cambodian and international laws, that were committed during the period of Democratic Kampuchea (DK) from 17 April 1975 to 6 January 1979.¹⁹
14. The Extraordinary Chambers in the Courts of Cambodia was established within the Cambodian legal system following the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea ("ECCC Law").²⁰ The ECCC was officially established on 3 July 2006.

Chapter 2. Procedural History

15. On 3 December 2008, while the Co-Investigating Judges were investigating Case 002, the Office of Administration forwarded "the International Co-Prosecutor's Written Statement of Facts and Reasons of Disagreement pursuant to Internal Rule 71(2)" in which the International Co-Prosecutor states that "he intends to submit two new

- Introductory Submissions [...]” In his Statement, the International Co-Prosecutor reports that the National Co-Prosecutor disagrees with prosecuting the crimes identified in the new submissions.²¹
16. On 18 August 2009, after thorough discussion, the Pre-Trial Chamber could not attain a majority [of four votes] on a decision on the Disagreement. The Pre-Trial Chamber therefore issued a public redacted copy of Considerations regarding the Disagreement between the Co-Prosecutors pursuant to Rule 71.²² International Co-Prosecutor’s submissions are considered valid.
 17. On 8 September 2009, the International Co-Prosecutor submitted to the Co-Investigating Judges the Second Introductory Submission dated 20 November 2008 through which the International Co-Prosecutor stated that **MEAS Muth** is the suspect and responsible for the crimes.²³
 18. On 29 April 2011, in the light of the investigative results, Co-Investigating Judges YOU Bunleng and Siegfried BLUNK concluded the investigation²⁴ and issued an order rejecting the application to be a Civil Party in Case File 003 and rejecting the request for protective measures and reparations.²⁵ The Victims Support Section received a total of 642 (six hundred and forty-two) Civil Party applications in Case 003 after 15 May 2011 (15 days following the conclusion of the investigation).²⁶ Four civil parties filed their appeals.²⁷ The Pre-Trial Chamber could not attain the required majority²⁸ [of four affirmative votes in order to reach a decision] and therefore, pursuant to Internal Rule 77(13), the impugned order shall stand and is not subject to appeal.
 19. On 18 May 2011, the International Co-Prosecutor filed “International Co-Prosecutor’s First Case File 003 Investigative Request to Admit Additional Documents and Observations on the Status of the Investigation,”²⁹ International Co-Prosecutor’s Second Request for Further Investigative Action regarding SOU Met and Related Crime Sites,³⁰ and International Co-Prosecutor’s Third Investigative Request regarding **MEAS Muth** and Related Crime Sites.³¹
 20. On 19 May 2011, the Co-Investigating Judges issued “Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003,”³² ordering the

Co-Prosecutors to disclose whether before filing the Time Extension Request and Investigative Requests, they have made decision of delegation of power pursuant to Rule 13(3) or they have recorded any disagreement pursuant to Rule 71(1).

21. On 25 May 2011, the National Co-Prosecutor responded to the Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003,³³ asserting that [with regard to] the International Co-Prosecutor's Time Extension and Investigative Requests, she neither delegated the power to the International Co-Prosecutor nor recorded any disagreement regarding these requests.
22. On 26 May 2011, the International Co-Prosecutor responded to the Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003,³⁴ stating that since the disagreement regarding Case 003 was still ongoing, the International Co-Prosecutor was entitled to make time extension and investigative requests without the need of delegating the power from the National Co-Prosecutor and without the need of recording the disagreement regarding these requests.
23. On 7 June 2011, the Co-Investigating Judges rejected the requests, issuing "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003."³⁵
24. On 10 June 2011, having registered a disagreement between the two Co-Prosecutors, the International Co-Prosecutor re-filed the three investigative requests.³⁶
25. On 7 July 2011 the International Co-Prosecutor filed "International Co-Prosecutor's Appeal against the "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003," appealing against the Co-Investigating Judges' order entitled "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003."³⁷
26. On 27 July 2011, the Co-Investigating Judges issued "Decision on International Co-Prosecutor's Re-filing of Three Investigative Requests in Case 003" rejecting the re-filed requests by the International Co-Prosecutor.³⁸
27. On 26 August 2011, the International Co-Prosecutor filed Notice of Appeal against the Impugned Order.³⁹ On 2 and 15 November 2011, the Pre-Trial Chamber could not

attain the required majority of the affirmative vote of at least 4 (four) judges in order to reach a decision on the International Co-Prosecutor's Appeal against the "Decision On Time Extension Request and Investigative Requests regarding Case 003" and "Decision on International Co-Prosecutor's Re-filing of Three Investigative Requests in Case 003."⁴⁰ Pursuant to Rule 77(13) of the Internal Rules, in the event that the Pre-Trial Chamber does not attain the required majority, the Co-Investigating Judges' decision shall stand and this decision is not subject to appeal.

28. Following the resignation of the International Co-Investigating Judge Siegfried BLUNK on 9 October 2011,⁴¹ the International Reserve Co-Investigating Judge Laurent Kasper-Ansermet, who had not formally been appointed as the International Co-Investigating Judge, unilaterally issued on 2 December 2011 an order on resuming the judicial investigation and declaring the International Co-Prosecutor's requests for investigative action dated 18 May 2011 admissible.⁴²
29. On 6 December 2011, the National Co-Investigating Judge issued a press statement refusing to recognise every action undertaken by Judge Laurent Kasper-Ansermet. His action was not legally valid because he was not formally appointed by the Supreme Council of the Magistracy of the Kingdom of Cambodia.⁴³
30. On 19 March 2012, the International Reserve Co-Investigating Judge Laurent Kasper-Ansermet submitted a resignation to the Secretary-General of the United Nations with effect from 4 May 2012.⁴⁴ From 20 March 2012 to the day of his resignation, he acted alone, for example, investigating and interviewing a number of civil parties and witnesses.
31. On 12 July 2012, the International Co-Investigating Judge Mark B. Harmon was appointed by Decision of the Supreme Council of the Magistracy of the Kingdom of Cambodia dated 20 June 2012.⁴⁵
32. On 7 February 2013, the Co-Investigating Judges YOU Bunleng and Mark B. Harmon recorded a disagreement regarding Case 003 as follows:
 1. The National Co-Investigating Judge found that since Judge YOU Bunleng and Judge Siegfried BLUNK had already issued a notification of the conclusion of

the investigation and all appeals had been resolved, the Co-Investigating Judges then issued a Forwarding Order, pursuant to Rule 66(4) of the Internal Rules after issuing the notification of the conclusion of the investigation, pursuant to Rule 66(1) of the Internal Rules.

2. However, the International Co-Investigating Judge Mark B. Harmon found that the issuance of the Forwarding Order by the National Co-Investigating Judge seemed premature because the International Co-Investigating Judge was of the opinion that investigations were incomplete. Further investigations were necessary, especially those included in the Annex(es), and the International Co-Investigating Judge considered that the Co-Investigating Judges remained the owner of the case despite the fact that the National Co-Investigating Judge had already submitted the Forwarding Order.
33. On 7 February 2013, the National Co-Investigating Judge forwarded Case File 003 to the Co-Prosecutors for the purpose of issuing a final submission pursuant to Rule 66(4) of the Internal Rules.⁴⁶ On the same day, the International Co-Investigating Judge signed a Rogatory Letter, ordering the international investigators of the Office of the Co-Investigating Judges to conduct the investigation into Case 003.⁴⁷
34. On 8 February 2013, the International Co-Prosecutor filed Response to the Forwarding Order of 7 February 2013.⁴⁸ The International Co-Prosecutor took the view that the investigation into facts as alleged in the Second Introductory Submission remained open and manifestly incomplete and returned the case file to the Co-Investigating Judges.
35. On 28 February 2013, the National Co-Investigating Judge stressed that he regarded the International Co-Prosecutor's Response as Final Submission and "will continue to take procedural measures as provided in the Internal Rules at the appropriate time. However, he will also consider other submissions by the Co-Prosecutors that might be made within three months starting from 7 February 2013" while the International Co-Investigating Judge issued a press release clarifying that Case 003 remained open and the investigation of the alleged crimes were proceeding.⁴⁹

Irregularity of the Preliminary Investigation

36. Although the disagreement between the two Co-Prosecutors was resolved by the Pre-Trial Chamber, rendering the Introductory Submission valid, the National Co-Investigating Judge considers that it is necessary to summarise its background.
37. The International Co-Prosecutor unilaterally opened the preliminary investigation while the principle of “Co-” in the judicial context of the Extraordinary Chambers in the Courts of Cambodia has become legally binding even at the prosecutorial stage where the Co-Prosecutors are required to act jointly. This principle requires compliance with, among others, the provisions of the applicable laws as required by the ECCC Agreement and Law. On the contrary, the International Co-Prosecutor opened the preliminary investigation alone, collecting documents and conducting interviews without the participation of the National Co-Prosecutor and failing to follow the procedures applicable in case of disagreement. Written records of interview that were not signed by the Co-Prosecutor and the interviewees have not been taken into account in these reasons.
38. On 20 November 2008, the International Co-Prosecutor unilaterally filed the Introductory Submission in the present case alleging that **MEAS Muth** is responsible for crimes under the jurisdiction of the Extraordinary Chambers in the Courts of Cambodia. The Introductory Submission did not prompt any immediate action from the Co-Investigating Judges as the National Co-Prosecutor registered a disagreement to be brought before the Pre-Trial Chamber. The Pre-Trial Chamber failed to reach a decision by the required majority. As a result, in compliance with the ECCC legal framework, the Introductory Submission stood. The Acting International Co-Prosecutor then forwarded the Introductory Submission to the Co-Investigating Judges, requesting a judicial investigation into the facts in Case 003.

The Validity of the Investigation Concluded by the Two Co-Investigating Judges

39. In accordance with the Agreement and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, the investigation shall be conducted on the principle of co-operation agreed between the National and International Co-Investigating Judges except for a disagreement. The two Co-Investigating Judges exercised their full discretion to conclude the investigation in

Case 003 on 29 April 2011 after they found that the investigation was complete and finished.⁵⁰

40. The parties concerned appealed against the Co-Investigating Judges' decision to the Pre-Trial Chamber, and the Pre-Trial Chamber already dealt with their appeals. The fact that the Pre-Trial Chamber could not attain the required majority of the affirmative votes means that the two Co-Investigating Judges' request [decision] to conclude the investigation shall stand, [and was] not subject to appeal,⁵¹ and valid, which allowed the Co-Investigating Judges to proceed further.
41. The investigation undertaken by the two Co-Investigating Judges until the conclusion of Case 003 on 29 April 2011 was conducted in a smooth manner and in complete agreement, in accordance with substantive law and procedural requirements without any defects. The Co-Prosecutors' role is to issue final submissions and appeal to the competent court, i.e. the Pre-Trial Chamber who shall review and decide whether or not the investigation is complete. The International Co-Prosecutor filed an appeal against the decision rejecting the investigative requests. This means that the appeal was intended for the Pre-Trial Chamber to decide on further investigation, and it was duly dealt with by the Pre-Trial Chamber within its jurisdiction.
42. International Co-Prosecutor claimed that the investigation was incomplete and refused to issue the Final Submission to the Co-Investigating Judges within the required period of 90 days after the receipt of the Forwarding Order from the Co-Investigating Judges. It is at the Co-Investigating Judges' discretion to conduct any investigation in any form or collect any documents in an independent and impartial spirit. There are more than 3,000 documents in the case file before the conclusion of the investigation on 29 April 2011, in which there are also a number of key witnesses' statements.
43. If such amount of the investigation were assumed to be incomplete, re-opening or initiating the investigation would not be unanimous and in breach of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia or, in particular, the Internal Rules. After the investigation was concluded and the time limit for the appeal has expired, the parties such as the Co-Prosecutors may submit a

reasoned application to the Co-Investigating Judges⁵² requesting them to annul or conduct an investigative action. The application does not have a time limit and may be filed until the Co-Investigating Judges issue a closing order.⁵³ Charged persons may also appeal to the Pre-Trial Chamber under Internal Rule 21. ... *under the said rule, the appellant must demonstrate that in the particular circumstances of the case at stake, the Pre-Trial Chamber's intervention is necessary to prevent an irreparable damage to the fairness of the proceedings or the appellant's fair trial rights.*⁵⁴ In this regard, there was no decision of the Pre-Trial Chamber ordering the Co-Investigating Judges to further conduct the investigation as stated in paragraph 41 above.

44. Likewise, Judge Laurent Kasper-Ansermet was not appointed as International Co-Investigating Judge and Judge Mark B. Harmon did not file a complaint to the Pre-Trial Chamber during the period of time allowed by the Internal Rules, but the International Reserve Co-Investigating Judge and the International Full-Rights Co-Investigating Judge conducted the investigation unanimously. On 25 February 2015, the National Co-Investigating Judge sent a memorandum to the International Co-Investigating Judge regarding the conclusion of the investigation and possibilities for the International Co-Investigating Judge to appeal to the Pre-Trial Chamber, requesting for re-opening the investigation into Case 003. However, the International Co-Investigating Judge did not respond. The written record of the disagreement between the two Co-Investigating Judges [registered] before the day when the Forwarding Order was forwarded does not mean supporting or delegating the power to the International Co-Investigating Judge to continue the investigation into Case 003.
45. The National Co-Investigating Judge affirms and regards the International Co-Prosecutor's Response on 8 February 2013 to the Forward Order as the Final Submission⁵⁵ although the Submission does not go into detail. The Co-Investigating Judges have no right to evaluate the type of such a Submission. The Pre-Trial Chamber has jurisdiction over the annulment of final submissions, on the motion of the Charged Person who is a party to the case. In addition, the Co-Investigating Judges are not bound by the Co-Prosecutors' final submissions.

46. The Co-Investigating Judges still hold a position that Case 003 was duly concluded and the time limit for the appeal expired and that the Pre-Trial Chamber resolved all appeals. Based on these legal arguments, the National Co-Investigating Judge did not respond to a request for clarification regarding the status of Case 003, at the request of the National and International Co-Prosecutors. Furthermore, the National Co-Investigating Judge has never claimed that Case 003 remains open.

Judicial Investigations and Charges by the Co-Investigating Judges

47. A judicial investigation is compulsory for the Co-Investigating Judges after receipt of an Introductory Submission or a Supplementary Submission. The Internal Rules of the Extraordinary Chambers in the Courts of Cambodia clearly provide that the Co-Investigating Judges shall only investigate the facts set out in an Introductory Submission or a Supplementary Submission.⁵⁶ Investigative methods are at the Co-Investigating Judges' discretion and the methods or internal records of the investigations are confidential documents which must not be disclosed to any parties.⁵⁷
48. Given the rights and interests of the Charged Person, in the interests of justice, and the acceleration of the proceedings, Co-Investigating Judges YOU Bunleng and Siegfried BLUNK agreed on the investigative methods, considering the documents in Case 003 and other documents transferred from Case 001 and Case 002 into this case file. The two Co-Investigating Judges reviewed inculpatory and exculpatory evidence collected from key witnesses and other evidentiary documents in the case file. Moreover, the Extraordinary Chambers in the Courts of Cambodia has selective jurisdiction while the judicial investigations by Co-Investigating Judges primarily focus on whether the Charged Person in the International Co-Prosecutor's Introductory Submission falls within the personal jurisdiction of the Extraordinary Chambers in the Courts of Cambodia.
49. Pursuant to Rule 55(4) of the Internal Rules, the Co-Investigating Judges have the power to charge any persons against whom there is clear and consistent evidence indicating that such person may be criminally responsible for the commission of a crime referred to an Introductory Submission or a Supplementary Submission.⁵⁸ In

the context of the Extraordinary Chambers in the Courts of Cambodia, a charged person shall be someone who really falls within the personal jurisdiction of the Extraordinary Chambers in the Courts of Cambodia. Charging may be conducted immediately or after additional investigations by the Co-Investigating Judges. Charging may be conducted on all facts or a number of facts first.

50. According to the jurisprudence concerning law enforcement under which investigating judges basically and legally provided that, “*investigating judges may not send anyone to trial for facts which have not been charged first.*”⁵⁹ In order to guarantee a charged person’s defence rights, with regard to factual allegations against him or her before the Court made by the Co-Prosecutors in the context of the Extraordinary Chambers in the Courts of Cambodia, the National Co-Investigating Judge has considered his approaches and the results of the investigation in advance whether there is some doubt about the alleged facts and should or should not charge any person. Since the Charged Person is entitled to additional fundamental rights before the judicial proceedings, i.e. access to case files, the right to request the Co-Investigating Judges to interview him or her, question witnesses, go to a site, and order expertise.⁶⁰ Furthermore, the Charged Person also has his or her personal freedom if his or her detention is not necessary for the forthcoming proceedings. In contrast, the measure of provisional detention will be applied only when it is considered absolutely necessary and unavoidable.⁶¹
51. Although a person has been charged, the Co-Investigating Judges may still dismiss the case against him or her for an offence or all offences when issuing a Closing Order if the Co-Investigating Judges find that those offences are not committed by the Charged Person or there is insufficient evidence to indict or send him or her to trial.⁶²
52. In order to guarantee the Charged Person’s rights – the personal jurisdiction, especially under the Agreement and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia – executing an act requires full consideration, i.e. legal certainty, procedural rules, relevant facts, crime sites, level of doubt, human resources, budgets, time, and expeditious judgement. Problems like a collection of numerous facts arose. Ultimately, despite their reduction, conducting investigations was a waste of time.

53. Since it is doubtful whether **MEAS Muth** falls within the personal jurisdiction of the Extraordinary Chambers in the Courts of Cambodia or not, the two Co-Investigating Judges unanimously agreed not to charge **MEAS Muth**.
54. In the International Co-Prosecutor's Second Introduction Submission regarding the Revolutionary Army of Kampuchea⁶³ dated 20 November 2008, there are 10 (ten) alleged facts⁶⁴ against two Charged Persons, SOU Met and **MEAS Muth**. However, only 8 (eight) of them concern **MEAS Muth** while those related to the suppression of Division 801 and 810 Security Centre interlink. Therefore, the National Co-Investigating Judge considers only 7 (seven) facts in the Closing Order. After the investigation into all these facts, the following are found:

Chapter 3. Facts

Section 1. The History of the Communist Party of Kampuchea

55. The existence of the Communist Party of Kampuchea (CPK) was officially announced in September 1976 after the CPK had been in power for more than one year.⁶⁵
56. One of the first communist organisations in the region was the Indochinese Communist Party, which was founded in 1930 under a strong influence of Vietnamese communists. The Indochinese Communist Party was officially dissolved in 1951. In the same year, a new party was created in Cambodia, known as the "Khmer People's Revolutionary Party (KPRP)." The KPRP was very powerful among the Khmer Issarak – the movement to fight against the French colonialists in order to gain independence.⁶⁶
57. On 30 September 1960, at the Party Congress, the KPRP was renamed the "Worker's Party of Kampuchea"⁶⁷ (WPK) – this was a real starting point for creating the Cambodian communist movement.⁶⁸ Around twenty people participated in this Congress, including TOU Samut, Secretary of the Party, NUON Chea, Deputy Secretary of the Party, SALOT Sar *alias* POL Pot, IENG Sary, SAO Phim and VORN Vet,⁶⁹ etc. Revolutionary Flag, one of the CPK official magazines, issued in August 1975, states that, "*The strategic and tactical lines of the Communist Party of*

*Kampuchea were clearly and fundamentally correctly drawn-up in 1960 during the First Party General Assembly (even though it is true that our Party was created in 1951)."*⁷⁰ On 30 March 1976, the Central Committee decided to "*designate the birth of the Party back to 1960, not using 1951, in order to not let it get attached to others – to be clearly separate.*"⁷¹

58. In the early 1960s, the Worker's Party of Kampuchea established a Secret Defence Unit of the Party⁷² to protect its cadres and political activities, as well as to "smash enemies." Duch stated that this policy was adopted at the First Party Congress to entice the undecided forces; to neutralise the non-violent forces; [and] to isolate and smash the rest.⁷³
59. After the Secretary of the Worker's Party of Kampuchea TOU Samout disappeared in 1962, the Second Party Congress was held in late February 1963, at which time SALOT Sar *alias* POL Pot became the new Party Secretary while NUON Chea remained Deputy Secretary.⁷⁴ This Congress was held in Phnom Penh, and the participants were a small group that included IENG Sary, SAO Phim, *Ta* Mok, VORN Vet, SON Sen, ROS Nhim and KONG Sophal.⁷⁵
60. A few months later, after the Sihanouk regime published a list of 34⁷⁶ known as "leftists," SALOT Sar *alias* POL Pot and a number of the other named WPK leaders, including IENG Sary and SON Sen, fled Phnom Penh and took refuge at the Cambodian-Vietnamese border where they established an office known as Office 100.⁷⁷ By 1965, they were joined at Office 100 by their spouses: KHIEU Ponnary, IENG Thirith and YUN Yat.⁷⁸ NUON Chea, whose identity had remained secret and hence was not on the list of 34, stayed in Phnom Penh and assumed responsibility for WPK operations in the capital and most of the Zones.⁷⁹
61. In January 1965, the Worker's Party of Kampuchea approved a resolution that rejected the possibility of a peaceful transition to socialism and confirmed that it was absolutely necessary to use "*revolutionary violence*" in the struggle against the imperialists.⁸⁰ In a Central Committee meeting held in September or October 1966, the WPK leaders decided to change the party name to the "Communist Party of Kampuchea," to relocate Office 100 to Ratanakiri,⁸¹ and for each Zone to begin

- preparations for armed struggle.⁸² Office 100 was located a few kilometres away from “Office 102,” the Northeast Zone office used by IENG Sary (who had been appointed Zone Secretary).⁸³
62. On 17 January 1968, pursuant to orders conveyed by NUON Chea, CPK forces attacked a government army post at Bay Damram village, Battambang province, seizing a number of weapons.⁸⁴ This date was later marked by the CPK as the birth of the Revolutionary Army of Kampuchea.⁸⁵ In the following months, guerrilla attacks continued by CPK forces throughout the country.⁸⁶
63. On 18 March 1970, Prince Norodom Sihanouk was overthrown by General LON Nol and Prince Sirik Matak, who established a regime which was officially called the “Khmer Republic.”⁸⁷ On 23 March 1970, King Norodom Sihanouk announced the formation of the “National United Front of Kampuchea” (FUNK), and called on his compatriots to launch a campaign of guerrilla attacks against the LON Nol’s Government.⁸⁸ Then, King Norodom Sihanouk and the CPK formed an alliance, as well as a government-in-exile based in Beijing called the “Royal Government of National Union of Kampuchea” (GRUNK), which was officially announced on 5 May 1970. King Norodom Sihanouk, former President of the FUNK, became Head of State,⁸⁹ PENN Nouth as Prime Minister of the GRUNK, and KHIEU Samphan as Deputy Prime Minister and Minister of National Defence.⁹⁰
64. In January 1971, the CPK Central Committee met for the first time since October 1966 for a three-day meeting at S-71, attended by 27 of its members, including POL Pot, NUON Chea, SAO Phim, VORN Vet, Ta Mok, ROS Nhim, KONG Sophal *alias* Keu, CHOU Chet *alias* Si, KANG Chap *alias* Se, KOY Thuon *alias* Thuch, KE Pauk, SOEU Vasy *alias* Doeun and CHHOEM Sam Aok *alias* Pang.⁹¹
65. In 1971, POL Pot conducted a training session for 200 (two hundred) Zone, Sector and District cadres at the North Zone headquarters, following which selected participants were taken kilometres away to a camp in the jungle where the Third Party Congress was held.⁹² This Congress was attended by approximately 60 (sixty) delegates, including KHIEU Samphan, all the Regional [Sector] and Zone Secretaries, and military commanders such as KE Pauk and KONG Sophal, etc. as well as

representatives of intellectuals such as HOU Yun and HOU Nim.⁹³ The Congress approved new Party statutes, officially ratified the “CPK” name that had been adopted five years earlier, and elected a new Central Committee that included KHIEU Samphan as a member.⁹⁴

66. In May 1972, the new Central Committee met and issued a directive to Party members to intensify the struggle against the “various oppressive classes” and approved plans for the collectivisation of agriculture.⁹⁵ Cooperatives were officially imposed by the CPK in the areas they controlled one year later on 20 May 1973.⁹⁶
67. In the morning of 17 April 1975, CPK forces launched offensives into Phnom Penh.⁹⁷

DK General Policies

68. The DK regime led the country from 17 April 1975⁹⁸ to 06 January 1979 with the aim of building the country following real world socialist path.⁹⁹ To achieve that, the policy to evacuate the population from cities and towns to countryside¹⁰⁰ was made so that they could join in mass agriculture¹⁰¹ which was the most important sector for developing the maximum economy under the Party leadership and instructions,¹⁰² based on the stance of “**Independence, Mastery, Self-reliance.**”¹⁰³ In addition, low social class which was the poor peasant working class was made to control the local bases from the village level.¹⁰⁴

A book entitled “Geography of Democratic Kampuchea” which was published by the DK Ministry of Education in 1977 states that Cambodia had a total population of 7,308,000 (seven million, three hundred and eight thousand) in 1975 – 80% (eighty per cent) of whom were cooperative peasants and 20% (twenty per cent) were workers, unionists, male and female combatants of the Revolutionary Army of Kampuchean.¹⁰⁵

69. The above reasons led to constant social class angst¹⁰⁶ against the feudalist¹⁰⁷ and capitalist classes which used to hold oppressive power for over 2,000 (two thousand) years and which were accused of shamefully having sold the country to foreign imperialists successively for the sake of their own interest and henchmen.¹⁰⁸ This made the low class become a crucial part in steering the entire Cambodia.¹⁰⁹

70. The DK administrative structure from the upper to the lower levels and the base level was clearly defined based on work assignments and management in the form of “**collectives**”¹¹⁰ on the grounds that the country could be built rapidly if it were done collectively.¹¹¹ In addition, policies were widely disseminated through meetings at zone, sector, district, commune, village and cooperative levels and they were transmitted from the upper to the lower levels through the hierarchy.¹¹²
71. The DK communist-based leadership vested its supreme power in the Party via the most influential institution known as “**The Central Committee of the CPK.**” The committee consisted of approximately 30 (thirty) members who made major decisions concerning the fate of the country.¹¹³ While the CPK Standing Committee had 7 (seven) members including POL Pot, NUON Chea, SAO Phim, *Ta Mok*, IENG Sary, VORN Vet, and SON Sen.¹¹⁴ As a matter of fact, [who had] **the authority over decision-making was the Standing Committee;**¹¹⁵ despite the fact that KHIEU Samphan *alias* Hem, the former President of the State Presidium,¹¹⁶ said that in principle the most important organ was the “Central Committee.”¹¹⁷
72. Prior to 1975 the Party required people to live in cooperatives in the liberated zones where they lived communally, farmed communally, harvested communally, ate in communal dining hall, and worked communally while the Party controlled and collected the produce.¹¹⁸ Furthermore, the Party controlled every work activity, living arrangements, clothing, how people communicated, property, time, belief, food, freedom and movement.¹¹⁹
73. Mr MAT Ly stated that cooperatives were initially established on 20 March 1973 and people really liked them.¹²⁰ However, the Party made an official decision to establish peasant cooperatives on 20 May 1973.¹²¹ For such arrangements, peasants who did not own a plot of land were entirely satisfied while those who owned land did not seem happy and fed up with the so-called collective.¹²²
74. Right after the liberation, at some bases, some villages were incorporated into “**cooperatives**”¹²³ with communal eating¹²⁴ and living arrangements on the pretext that a collective was a humanitarian concept that everyone should have had an equal amount of food for consumption.¹²⁵ Cooperatives were considered backbones of the

revolution throughout the country.¹²⁶ Under such leadership, people were provided 2 (two) meals per day, one was gruel and the other was cooked rice.¹²⁷

75. Furthermore, the Party, the upper echelon, set out a target for rice production, forcing people to produce **3 tons of rice per hectare**¹²⁸ over the 1.5 million hectares of farmland. *Angkar* expected that the rice produce would be 4,500,000 (four million five hundred thousand) tons, which was the core task to undertake in 1976.¹²⁹ A witness who was a typist claimed that, “*Several documents say about producing three tons of rice per hectare.*”¹³⁰ Most rice produce had to be absolutely delivered to the Party for overseas export.¹³¹ Some cooperative chiefs at the bases inflated the figures of rice produce so that the Party viewed them as striving for and being loyal to the Party since they delivered a large quantity of rice produce to the upper echelon while in fact people at their bases did not have enough rice to eat.¹³²
76. In addition, some cooperative chiefs lied in their report to the upper echelon in order to retain some rice for people at the bases. As a result, the Party arrested and killed any cadres if they were found having lied. Furthermore, people were mistreated as slaves¹³³ under other inhumane acts and faced several consequences including death of many people due to starvation and infectious disease, etc.
77. The form of the DK leadership is distinct from other countries in the world.¹³⁴ Even IENG Sary, the former deputy Prime Minister in charge of Foreign Affairs, stated that, “The Khmer revolution does not follow any previous model. What we are trying to achieve has never been done before in history.”¹³⁵ DK had an absolute stance.¹³⁶ People were forced to work at worksites under the most difficult condition¹³⁷ and with no adequate break time. Worst still, people were deprived of right and freedom,¹³⁸ right to receive information,¹³⁹ and freedom of movement.¹⁴⁰ There were no markets,¹⁴¹ no private ownership,¹⁴² no hospitals or healthcare centres, and insufficient medicine for treatment.¹⁴³
78. The entire national economy went into a nosedive since this country was led by *Angkar* where there was no money circulation at all¹⁴⁴ under the pretext that money circulation led to oppression and corruption, etc., which was the most critical issue that could lead this regime to instability in the administration and country

leadership.¹⁴⁵ Economists, however, consider currency the only and fundamental basis for the functioning of a country's economy.

79. With regard to religious belief, DK forced monks to disrobe¹⁴⁶ and they were killed if they refused.¹⁴⁷ Pagodas were destroyed¹⁴⁸ forcibly.¹⁴⁹ In practice, POL Pot implemented an absolute Marxist doctrine against all religions in Cambodia.¹⁵⁰ Several witnesses said that all religions were prohibited while pagodas were transformed into warehouses, dining halls or used for raising animals.¹⁵¹ One witness said that *“At that time all religions were abolished and the CPK was the only one to be respected. The CPK hated monks... the most.”*¹⁵²
80. Democratic Kampuchea divided people according to their age, gender and they had to work in groups. They were required to live and work in different locations.¹⁵³ A small number of the elderly were not allowed by *Angkar* to be idle and they had to take care of small children whose parents were working at worksites.¹⁵⁴ Adults were required to participate in agricultural activities in cooperatives, namely working in rice fields,¹⁵⁵ plantations, or growing vegetables while some others were made to dig canals¹⁵⁶ or build dams¹⁵⁷ and so on. In particular, in relation to reservoirs, the CPK stated that, **“As we have seen, the development within these last two years has been very fast. Compare this to the last one hundred years; one hundred years ago there were no such reservoirs.”**¹⁵⁸ Children were forced to tender cattle¹⁵⁹ and collect cow dung for agricultural fertilizer.¹⁶⁰
81. In general, people did not have freedom of movement, visiting their relatives or travelling without *Angkar*'s permission.¹⁶¹ Absence from home or worksite meant violating *Angkar*'s disciplines. Thus, each family member had very little time to be together¹⁶² in the family or at worksite. Freedom of speech was strictly limited by *Angkar*. People were constantly in fear as what they said might lead them to being sent for re-education, arrests, or taken away and killed when they criticised or/and complained about hardship or insufficient food.¹⁶³ Witness PRAK Yut, Kampong Siem district former secretary, said that, *“People could not refuse the order to build dams in the Southwest. If they did, they were sent for re-education.”*¹⁶⁴

82. In order to achieve the goal of the regime, which was to build the country actively and to lead the country prosperously and rapidly, based on socialism under the slogan “great leap forward,”¹⁶⁵ DK implemented some major policies including the evacuation of people, treatment of specific groups, forced labour at worksites, forced marriage and purges of internal and external enemies. The term “enemies” referred to anyone who was accused of breaking a plough,¹⁶⁶ a hoe,¹⁶⁷ an earth moving basket¹⁶⁸ a spoon,¹⁶⁹ a plate or a cooking pot,¹⁷⁰ who transplanted wrong rice seedlings,¹⁷¹ who stole food,¹⁷² who stealthily ate vegetables, fruits such as corn, bananas or potatoes grown by themselves,¹⁷³ who tried to brake a car, but the car wouldn’t stop,¹⁷⁴ who were late for work,¹⁷⁵ criticised *Angkar*,¹⁷⁶ or attempted to destroy the CPK.¹⁷⁷
83. Prior to 1975, the Party evacuated people from their controlled areas.¹⁷⁸ In February 1975, the Central Committee of the CPK convened a meeting and decided upon a plan to evacuate people in anticipation of the victory.¹⁷⁹ At that time, senior leaders including POL Pot, NUON Chea, IENG Sary, and KHIEU Samphan attended the meeting¹⁸⁰ and decided to evacuate people in 3 (three) phases.¹⁸¹ One witness testified that senior cadre *Ta Mok* said that, “*All people had to be evacuated to the countryside so that they could build economy there. ... The evacuation from cities had to be conducted nationwide and it had to be done in 2 (two) days.*”¹⁸²
84. The movement of the people, Phase One, occurred after the liberation on 17 April 1975¹⁸³ and military units were tasked to execute the plan by forcing people to leave their homes and travel through all national roads to the west, the east, the north and the south of Phnom Penh as well as from provincial and district towns to the countryside.¹⁸⁴ With the aim of developing the economy, paving a socialist path for the regime, irrigation had to be built collectively at the countryside¹⁸⁵ – building creeks,¹⁸⁶ dams,¹⁸⁷ canals¹⁸⁸ and reservoirs consistent with the saying “Where there is water, there is fish. Where there is fish, there is everything.”¹⁸⁹
85. Furthermore, people were compelled to work in rice fields and to engage in rice production at cooperatives.¹⁹⁰ This became an important part of strengthening the DK security as it could help identify enemies including former soldiers,¹⁹¹ former civil servants of the previous regime,¹⁹² CIA¹⁹³ KGB¹⁹⁴ [agents] and *Yvon* enemies

- burrowing from within¹⁹⁵ and defend the country against possible confrontation with Vietnam, etc.¹⁹⁶
86. The movement of the people, Phase Two, started from September 1975 through 1977. People and cadres from the Southwest Zone (Kandal and Takeo provinces) were evacuated to the Northwest Zone (Battambang and Pursat provinces).¹⁹⁷ The plan was implemented after a visit of the Standing Committee to the Northwest Zone in August-September 1975 as it learned that there was a need of additional 500,000 (five hundred thousand) people in addition to the existing population in the zone¹⁹⁸ in order to promote the socialist economy via production cooperatives thanks to the fertile soil in the zone and as it also could accommodate additional population.¹⁹⁹ Thus, thousands of people were transferred by different means such as trains and vehicles, departing Phnom Penh and heading for various locations in Pursat and Battambang.²⁰⁰ By 1977, the CPK estimated that the total number of the evacuees reached 4,000,000 (four million).²⁰¹
87. The movement of the population, Phase Three – the last phase, occurred in late 1977-1978.²⁰² People living in Prey Veng and Svay Rieng provinces in the East Zone were forced by *Angkar* to go to the Northwest Zone.²⁰³ Beside ordinary people, there were enemies and perceived enemies including those associated with the previous regime and Vietnamese networks, the 17 April people, monks, Cham people, half-breed Chinese and half-breed Vietnamese, etc.²⁰⁴ Those who arrived at this time were made to write their biographies and sent to various cooperatives and worksites. Some were sent to security centres first, while some others were taken away and killed immediately.²⁰⁵
88. Furthermore, under the pretext of evacuation, the Party leadership withdrew civilians and troops from the battlefield with Vietnam when they suspected that there were traitors or SAO Phim's network.²⁰⁶ *Ta Mok* (Northwest Zone Committee) in the presence of Sarun (Sector 105 Committee) and Rim (District Committee) chaired a meeting in Pursat province. They organised those who arrived in the Northwest Zone, asking them to watch out for East Zone people because, when arriving in Phnom Penh, some of them were found concealing weapons and some others were the Vietnamese network.²⁰⁷

89. DK classified people according to their biographies²⁰⁸ between those living in the liberated zone and after 1975. Right after 17 April 1975 *Angkar* divided people according to their living status: the rich, the poor or the learned persons. Those who held positions or their relatives worked as civil servants in the LON Nol regime or *Sangkum Reast Niyum* were considered having a no good tendency.²⁰⁹ *Angkar* called those who were evacuated to new locations new people²¹⁰ or 17 April people.²¹¹ Those who remained where they were called old people²¹² or 18 April people,²¹³ which generally speaking referred to base people.²¹⁴ New people were given a status as “**depositees**” and they were not allowed to hold any positions of any levels.²¹⁵ On the contrary, old people or base people enjoyed the status as full-rights people or candidate people if their relatives were associated with enemies.²¹⁶
90. In general, people were forced to wear black clothes by *Angkar* and they were given two sets of clothes per year.²¹⁷ Each family no longer had private property. This was based on the policy which had been implemented prior to the liberation on 17 April 1975.²¹⁸ DK viewed that private property²¹⁹ belonged to the capitalist regime that led to corruption²²⁰ or exploitation of the people by the rich.²²¹
91. The 20 May 1975 meeting was held at Olympic Stadium to abolish markets and national currency.²²² Obviously, one witness who was a former cadre that attended the meeting concerning Party policies where POL Pot and NUON Chea made opening remarks claimed that “*Both of them talked about political matters, cooperative organisation, currency prohibition, market and monastery closings and stated that they would be reopened in the future.*”²²³ In late 1978, there was a decision to introduce currency and markets; however, it was not implemented due to the collapse of the regime.²²⁴
92. The DK regime imposed forced marriage in order to achieve the goal of defending the socialist revolution through which *Angkar*, the upper echelon, were the custodians in lieu of parents.²²⁵ Marriage was not allowed to organise in accordance with the tradition, customs, and many couples were made to get married each time without their consent.²²⁶ Witnesses said in reference to the political message from the upper echelon that, “*We have to increase the number of population within a period of 10 to 20 years, reaching from 20 to 30 million people for defending the country.*”²²⁷ This

was also beneficial to policy management of individuals and economy, leaving parents working at cooperatives or worksites.²²⁸

93. As for marriage, *Angkar* collected people of the same political status, encouraging soldiers [to get married].²²⁹ POL Pot's official documents and statements indicate the assumption that the marriage was organised voluntarily. The organisation of the marriage system is described in the Communist Party of Kampuchea's official publications and reported in telegrams which were sent to the upper echelon. However, in practice, people could not object or protest because they feared violence or death.²³⁰
94. The purge policy inside and outside the Party was formulated prior to 1975 with the aim of destroying hierarchy of previous regimes, feudalists, capitalists, religions, race, etc.²³¹ Article 10 of the DK Constitution states that, "*Dangerous activities and systematic destruction in opposition to the people's State must be condemned to the highest degree. Other cases are subject to constructive re-education in the framework of the State's or people's organisations.*"²³²
95. After 1975, situations became complicated at all levels, and general policies which seemed to be radical left following the lines of independence, mastery, and self-reliance were too strictly implemented.²³³ The purge policy was carried out following the 1976 Party Standing Committee decision regarding the right to smash inside and outside the Party ranks as it clearly states that "*If within the base framework, the decision shall be taken by the Zone Standing Committee. Surrounding the Centre Office, the decision shall be taken by the Central Office Committee. In independent Sectors, the decision shall be taken by the Standing Committee. For the Centre Military, the decision shall be taken by the Staff.*"²³⁴
96. Former Chief of S-21 Security Centre KAINING Guek-Eav *alias* Duch interpreted the 1976 decision as follows: "*The Zone Standing Committee was not the only body with the authority at the base... Zone secretaries had the power to decide if a person was to let live or to die, therefore the real authority was vested with zone secretaries.*"²³⁵ Likewise, zone secretaries controlled the military and militia within the zone.²³⁶

97. Under the CPK leadership, the regime established numerous security centres for detention and execution, making a total of up to 195 (one hundred and ninety-five) security centres throughout the country. They were used to detain, temper, re-educate, re-fashion, and torture people in order to identify traitorous networks or to kill entire families.²³⁷ Cadres at all levels had to implement the Party lines through dissemination of Party policies and facilitation of arrests and transfers by order of the upper echelon, commonly known as “*Angkar*.”²³⁸ In addition, the upper echelon always frustrated people’s spirits, using a commonly used saying “*The Wheel of History is moving. If we get our hand in, the hand will be cut off. If we get our foot in, the foot will be cut off. You can re-educate yourself well; you will have a future. If you cannot run and catch up with others, keeping you is no gain; pulling you out is no loss.*”²³⁹
98. All orders came from the “upper echelon”²⁴⁰ while the lower level did not understand the plans or political agenda.²⁴¹ However, if they did not implement the policies of the upper echelon, they were considered “enemies” and might have been taken away and killed.²⁴² In the DK context, an order from the upper echelon had to be absolutely respected and if anyone dared to refuse, he/she was arrested and killed.²⁴³ Thus, cadres who dared to criticise the Party lines were considered by *Angkar* to be “traitors.”²⁴⁴
99. In the regime, there were “self-criticism meetings” which required wrong-doers to speak about their mistakes so that meeting participants could provide feedback and the same mistakes would not be repeated.²⁴⁵ The CPK designated regular Party lifestyle meetings, saying that, “*if meetings are regular, there is progress, fast or slow progress, but progress nonetheless.*”²⁴⁶ Following those meetings, *Angkar* spread propaganda, encouraging people to work hard and not to betray the Party or *Angkar*; otherwise they would be taken to be re-educated. If those could not be re-educated or re-fashioned by *Angkar*, they would be taken away and killed, in line with the saying “If you’re kept, no gain; if you’re pulled out, no loss.”²⁴⁷ In 1976, HOU Nim was killed as he suggested [a possibility of] printing the currency and opening markets, which was contrary to the decision made earlier by POL Pot, NUON Chea and *Ta Mok*.²⁴⁸

100. The implementation of the above CPK policies caused countless difficulties for people, especially malnutrition and diseases.²⁴⁹ When they were sick, there were no healthcare centres, hospitals, and insufficient medicines for treatment. Sometimes patients fell severely ill and most of them just died.²⁵⁰ Furthermore, people died due to the implementation of the purge policy. Cadres and those who were considered enemies or failed to follow the *Angkar*'s orders were also killed.²⁵¹ At that time, disciplinary measures were very strict; whoever, including cadres at any levels such as HOU Yun,²⁵² HOU Nim,²⁵³ VORN Vet,²⁵⁴ KOY Thuon,²⁵⁵ ROS Nhim²⁵⁶ and SAO Phim,²⁵⁷ who failed to comply with the policies were subject to being smashed.
101. During the period of 3 (three) years, 8 (eight) months, and 20 (twenty) days, the regime arrested and executed at least 60 (sixty) DK senior cadres at S-21 Security Centre,²⁵⁸ and approximately more than 1,700,000 (one million, seven hundred thousand)²⁵⁹ people were killed and died from starvation,²⁶⁰ diseases²⁶¹ and overwork.²⁶²
102. Policies set out by the CPK as aforementioned show that the monitoring systems of all forms were established nationwide. The phrase "*Angkar* has many eyes of the pineapple" which means the upper echelon imposed in reference to all forms of restriction on people and cadres.²⁶³ In addition, if anyone failed to follow CPK policies, they would become enemies of *Angkar* and would sometimes be considered revolutionary enemies. What was strange was the elimination of private property. Growers could not even eat vegetables they grew around their houses as vegetables belonged exclusively to cooperatives. This is the root of the problem that led to the birth of the slogan "**Good things come in small packages.**"
103. These facts are objective, publicly known, i.e. those who are over 50 (fifty) years old (by 2018) lived through the regime, heard, and witnessed all without evidence to be suggested.
104. The context of the commission and administrative mode in the DK regime is distinct from what happened in Yugoslavia, Rwanda and Sierra Leone, which led to establishment of the International Criminal Court similar to the Extraordinary Chambers in the Courts of Cambodia. The DK regime had a particular 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.

105. Obviously, the term “enemies” or “revolutionary enemies” has a broad scope and extends to just its own innocent people. This is distinct from the racial conflict between Hutus and Tutsi, which led to genocide in Rwanda.²⁶⁴ What happened during the DK regime was also different from the genocide of the Croats and the Bosnians committed by the Serbian nationalists led by former-President Slobodan Milosevic.²⁶⁵

Section 2. Administrative Structure

A. Communist Party of Kampuchea

106. As of 17 April 1975, the CPK was governed by the Statute which had been initially adopted at the First Party Congress in September 1960.²⁶⁶ A new CPK Statute²⁶⁷ was adopted at the Fourth Party Congress²⁶⁸ in January 1976. This new Statute outlines CPK ideology, membership criteria, structures and organisations and also states a number of state bodies such as the Revolutionary Army of Kampuchea,²⁶⁹ National Party Committee,²⁷⁰ Party Central Committee,²⁷¹ and various offices and ministries surrounding the Central Committee.²⁷² The Party was governed by the Central Committee and the Standing Committee of the Central Committee.²⁷³
107. The Statute also states that the CPK takes the principle of a “*collective leadership regime*”²⁷⁴ based on the “*democratic centralism*.”²⁷⁵ When this principle was applied to this committee system, it meant that members had to make joint decisions with other members and could not make decisions individually.²⁷⁶ In addition, members of each section were assigned to take responsibility as planned. For example, the minutes of the Standing Committee meeting dated 9 October 1975 write “*When a telegram comes in, immediately when it is received the office must hand it to the responsible section immediately, so they can examine and consider it and make proposals to the Standing Committee.*”²⁷⁷ This document clearly shows the division of tasks within each office. With regard to telegrams, [each] office was tasked with presenting them to members of a responsible section and this section would consider forwarding them to the Standing [Committee] in case of urgencies.

B. The Central Committee

1. The Composition

108. The Central Committee or the Central Com²⁷⁸ was composed of POL Pot (Secretary of the Central Committee),²⁷⁹ NUON Chea (Deputy Secretary of the Central Committee),²⁸⁰ IENG Sary, KHIEU Samphan, KOY Thuon (later arrested and executed),²⁸¹ *Ta Mok*,²⁸² MEN San *alias* Ya (later arrested and executed),²⁸³ and KE Pauk.²⁸⁴ SEUA Vasy *alias* Deoun, Chairman of Office 870 (later arrested and executed)²⁸⁵ was also a member of the Central Committee.²⁸⁶ CHHIM Sam Aok *alias* Pang was described as a member of the Central Committee and sometimes as an assistant to the Central Committee.²⁸⁷
109. Even though the Party membership evolved over the course of the DK regime, the Central Committee had over 30 (thirty) members including full-rights and candidate members, most of whom were zone and sector secretaries, zone deputy secretaries and members. According to the Statute, they were tasked with leading the implementation of CPK policies from higher to lower levels – all levels of society – and reporting to upper echelons through to the Central Committee. As stated in the Statute, a meeting about political sessions was convened approximately once a semester²⁸⁸ and held on a regular basis until the Fifth National Congress²⁸⁹ in late 1978.
110. According to the testimonies of KAING Guek Eav *alias* Duch and other witnesses, the CPK indicated that the Party Central Committee had several levels:²⁹⁰ the highest one was the Standing Committee of the Party Central Committee,²⁹¹ a powerful body; the second one was full-rights members of the Centre who had the right to participate in discussions and to vote.²⁹² The third one was candidate or alternate members of the Central Committee who had the right to make recommendations during discussions but did not have the right to vote; the fourth one was the lowest,²⁹³ i.e. assistants to the Central Committee. According to the CPK Statute, the Central Committee was tasked with “implementing the Party political line and Statute throughout the Party” as well as “instructing all the Zone and Sector” and “govern and arrange cadres and Party members throughout the entire Party.”²⁹⁴

111. With regard to the assistants to the Central Committee, Duch stated that he learnt of their existence in 1975 from Nat, KOY Thuon and Pang²⁹⁵ and that the “*Assisting Committee to the Central Committee*” was under Office 870 in which the Administrative Office (Office S-71) was under the control of CHHIM Sam Aok *alias* Pang,²⁹⁶ who was later substituted by Khan Lin *alias* Ken and Lin.²⁹⁷ The Assisting Committee to the Central Committee was composed of CHHIM Sam Aok *alias* Pang, CHENG An, SAM Bit, **MEAS Muth**, SOU Met, *PET* Soeung, VEAN Em *alias* Sarun.²⁹⁸ Although the Administrative Office S-71 was controlled by POL Pot himself,²⁹⁹ other testimonies showed that it generally “*reported to the Centre*” too.³⁰⁰
112. CPK legal documents and Statute do not stipulate the functioning and the authority of the assistants to the Central Committee.³⁰¹ According to Duch’s testimonies, the lowest level of the Party Central Committee³⁰² was the assistants who could attend study sessions and take notes, but they did not have the right to participate in discussions and to vote.³⁰³ In general, assistants to the Centre, alternate and full-rights members did not have the right to participate in weekly meetings and any discussions,³⁰⁴ except for permanent members.
113. KHIEU Samphan also stated that in the Central Committee, the only persons who had real power were zone or sector secretaries and those who were in charge of military units.³⁰⁵
114. **MEAS Muth** was charged with being a member of the CPK Central Committee. In this position, he was part of the CPK top hierarchies in which the Standing Committee was the only highest body. **MEAS Muth** was also charged with being a member of the Assisting Committee to the CPK Central Committee, who was in charge of CPK political affairs and had the right to receive training at the Office 870 with members of the Central Committee.³⁰⁶
115. Testimonies of certain witnesses show **MEAS Muth**’s membership of the Party Central Committee, starting from 1975.³⁰⁷ KHIEU Samphan asserted that various zone secretaries and at least some sector secretaries were also members of the Central Committee, along with some other military cadres, including **MEAS Muth**.³⁰⁸ In this regard, **MEAS Muth** himself does not acknowledge that he was a member of the

Party Central Committee; however, he added that he was an ordinary member of the Party.³⁰⁹ A large number of witnesses and other documents describe structures of the Party Centre in which **MEAS Muth** is not there.³¹⁰ Therefore, in order to address such contradictory assertions, we must study CPK Administrative Structures.

116. Pursuant to Article 24 of the CPK Statute, the number of full-rights and candidate members of the Central Committee shall be designated by the Congress representing the entire country. Candidate members of the Central Committee could participate in Central Committee meetings, but they did not have the right to make decisions. When the number of full-rights members did not suffice, the Central Committee shall select candidate members to fulfil a requirement.³¹¹
117. **MEAS Muth's** membership of the Party Central Committee in 1975 is consistent with Duch's affirmation³¹² that there was a Congress in late 1975 to designate the Standing [Committee] of the Party Centre, i.e. POL Pot, NUON Chea, SAO Phim, *Ta Mok*, IENG Sary, and VORN Vet. The full-rights members were ROS Nhim, KONG Sopal *alias* Keu, CHOU Chet *alias* Si, HUOT Heng *alias* PAL Sarun, *Ta Phuong*, SENG Hong *alias* Chan, MAEN San *alias* Ya, KE Pauk, KOY Thuon, KANG Chap and KHIEU Samphan. The candidate members were SON Sen, SIET Chhe *alias* Tum and SOEU Rasy [Vasy] *alias* Doeun. The assistants to the Centre were CHHIM Sam Aok *alias* Pang, CHENG An, *PET* Soeung, SAM Bit, **MEAS Muth** and SOU Met.
118. Duch still maintains his position that **MEAS Muth** was neither a full-rights member nor a candidate member of the Central Committee.³¹³ He only served as the lowest-level assistant to the Central Committee.³¹⁴ Nat and SON Sen told Duch the same thing.³¹⁵ KHIEU Samphan himself acknowledged that he was a member of the Central Committee. From the beginning in 1971, he was a candidate member and became a full-rights member in 1976.³¹⁶
119. In 1976, even KHIEU Samphan, who served as the State Presidium, was just a full-rights member of the Centre, and SON Sen, who was Chief of the General Staff in charge of both military and police forces, was a member of the Standing Committee of the Party Centre.³¹⁷ Besides, SIET Chhe *alias* Tum *or* Brother 81 who was Deputy Secretary of the General Staff only served as a candidate member of the Party Central

Committee.³¹⁸ The 1975 Party Central Committee Congress³¹⁹ only mentioned the appointment of the Assisting Committee and the establishment of the Navy.³²⁰ However, **MEAS Muth**'s name was not reflected in the Party Centre Congress minutes, both in 1975³²¹ and 1978.³²²

120. To determine **MEAS Muth**'s level of responsibility and actual power in the Party Central Committee, we must consider his role of an assistant.
121. **MEAS Muth** as a member of the Assisting Committee to the Central Committee "was responsible for political affairs" as stated in Article 23 of the Statute,³²³ according to Duch.³²⁴ Duch³²⁵ described **MEAS Muth**'s role serving as an Assistant to the Central Committee. Like other division secretaries, **MEAS Muth** regularly reported on his areas of responsibility to SON Sen with a copy to POL Pot, NUON Chea and VORN Vet.³²⁶ He regularly contacted SON Sen³²⁷ and once accompanied IENG Sary during the negotiation over the maritime border with Vietnam³²⁸ and once received the Chinese delegation in Kampong Som.³²⁹

2. Authority

122. Concerning the de facto authority of the Assisting Committee to the Central Committee, the non-full-rights members and the assistants of the Central Committee, did not have the authority to decide on smashing³³⁰ since it was the de jure authority which was only given to certain members of the Central Committee.³³¹ Duch indicated that, "*Meah Mut or Brother Mut was the secretary of the independent sector of Kampong Som. He was at the time the assistant at the standing committee. He was not yet a full-rights member of the standing committee. As such, he had no right to decide for the arrest of any cadre.*"³³² In addition, when the issue of the maritime border with Vietnam arose, SON Sen reported to *Angkar* on the decision to send **MEAS Muth** to review the situation and sought advice from *Angkar* and *Ta Mok*.³³³

C. The Standing Committee

123. The Standing Committee or the Standing Com was a committee that conducted day-to-day business of the Central Committee which was comprised of the highest CPK

echelons. According to the Statute, KHIEU Samphan affirmed that, in principle, the Central Committee had the power to make decisions, but in practice it was the Standing Committee that was tasked with daily operations.³³⁴

124. The preponderance of the Standing Committee [power] is reflected in the *Angkar*'s authority over ordering the arrest of Central Committee members.³³⁵ The political line and decision making process were all established at the Standing Committee. Then, they were circulated to the level of the Central Committee so that they could be implemented at the local level.³³⁶

1. The Establishment and Composition

125. In a 9 October 1975 meeting, the Standing Committee gave Party senior cadres, including its members, general responsibilities over military, economy, security, foreign and social affairs.³³⁷ Those cadres were required to report to the Standing Committee, which was a powerful body for decision-making. The meeting minutes wrote "*In bringing up projects, we must ask the Standing Committee's opinion so it may decide and approve.*"³³⁸
126. The Standing Committee members who were appointed by the 1976³³⁹ Congress were POL Pot (secretary),³⁴⁰ NUON Chea (first deputy secretary)³⁴¹, SAO Yann *alias* SAO Phim (second deputy secretary³⁴² who committed suicide in 1978),³⁴³ Ta Mok (third deputy secretary),³⁴⁴ IENG Sary *alias* Van (full-rights member),³⁴⁵ VORN Vet (candidate member who was later arrested and executed),³⁴⁶ and SON Sen (candidate member).³⁴⁷
127. Following the purge in August 1978, the 1978 Extraordinary Congress decided to designate a new Standing Committee, which was comprised of³⁴⁸ POL Pot (secretary), NUON Chea (first deputy secretary), Ta Mok (second deputy secretary), IENG Sary,³⁴⁹ SON Sen,³⁵⁰ KHIEU Samphan.³⁵¹ The Fifth Party Congress held in around August 1978 highlighted the composition of the Standing Committee including³⁵² POL Pot (secretary), NUON Chea (first deputy secretary), Ta Mok (second deputy secretary), IENG Sary (full-rights member), VORN Vet (full-rights member), SON Sen (candidate member) and KONG Sophal *alias* Keu (candidate member).

128. Only 15 (fifteen) surviving minutes of the Standing Committee³⁵³ recording the attendance³⁵⁴ show that **MEAS Muth** was not present in those meetings because he was not its member.

2. Authority

129. KHIEU Samphan and Duch consistently stated that POL Pot was the most powerful person of the Communist Party of Kampuchea in his capacity as Secretary of the Standing Committee³⁵⁵ while NUON Chea came second and CHHIT Choeun *alias Ta Mok* came third.³⁵⁶ Meeting minutes show that when POL Pot was absent, NUON Chea would preside over Standing Committee meetings.³⁵⁷ Duch added that the decisions to smash inside and outside of the ranks and in independent sectors were from the Standing Committee.³⁵⁸
130. Duch also indicated that³⁵⁹ those who had the power to arrest also had the power to decide on execution as stated in the 30 March 1976 Decision that there were 4 (four) categories of persons: “Members of the Standing Committee, Zone Secretaries, Secretary of the General Staff and Secretary of the Office-870 Committee,³⁶⁰ i.e. POL Pot, NUON Chea, SAO Phim, *Ta Mok*, SON Sen, KHIEU Samphan, MAEN San *alias Ya*, ROS Nhim, KE Pauk, CHOU Chet *alias Si* and KANG Chab *alias Se*.”
131. Duch also explained that, “The word “standing committee” refers to the Central Standing Committee laid by POL Pot, so the independent sectors had no right to make their own decisions.”³⁶¹

D. Offices

132. At the CPK Central level, documents written to “Office 870” or “M 870” or “Com 870” were referred to the CPK highest level,³⁶² and sometimes to POL Pot.³⁶³ Office-870 units were tasked with political affairs, administration, military, communication, and security in the name of the Standing Committee or assisting it in carrying out these tasks. These units were to report to the Standing Committee members in Phnom Penh.³⁶⁴

133. The official names of the two most important bodies were the “Political Office 870”³⁶⁵ and the “Government Office,”³⁶⁶ which the Standing Committee named them “Office S-71” or “Ministry S-71.”³⁶⁷

1. Political Office 870

134. The first Chairman of Political Office 870 was SOEU Vasy *alias* Doeun, who held the position until his arrest in 1977.³⁶⁸ Testimonies of some witnesses showed that KHIEU Samphan was also Chairman of Office 870 which was previously under Doeun’s control for a period of time.³⁶⁹ However, KHIEU Samphan asserted that he was working at this office, mainly in charge of logistics and that he never served as its Chairman.³⁷⁰
135. Political Office 870 played a key role in ensuring the communication flow between those who had the power to make decisions in the Centre and monitoring the implementation of decisions through a regular and direct information communication system to Political Office 870.³⁷¹ With regard to Doeun-headed office, the Standing Committee meeting minutes of 9 October 1975 showed that, “*The Office of the Standing Committee makes contacts back and forth with each section. The Standing Committee monitors each section’s implementation of the line. The Office has the task of monitoring implementation.*”³⁷²

2. Government Office or Office S-71

136. Government Office S-71 (Office S-71), a unit under Office 870, was headed by CHHIM Sam Aok *alias* Pang³⁷³ from 17 April 1975 until his disappearance in late 1977 or early 1978.³⁷⁴ Later, its Chairman was substituted by Khan Lin *alias* Lin and Ken³⁷⁵ who held the position until 6 January 1979. Although witnesses stated that it was controlled by POL Pot himself,³⁷⁶ other testimonies showed that it also, in general, “*reported to the Centre.*”³⁷⁷
137. Government Office S-71 serving as a Committee of the Working Group in charge of Office 870³⁷⁸ was tasked with administration, work-related assistance,³⁷⁹ protection of the central office and its cadres, welcoming guests, communications (messengers and telegrams), logistics, foodstuff, and transport.³⁸⁰ In the name of the Standing

Committee, it was, however, responsible for monitoring suspected members of the Party, ministries, the Central and Standing Committees, and arresting those considered to be traitors and transporting them to S-21 Security Centre.³⁸¹

138. In the structure of Government Office S-71, there were certain offices under its control whose codes were named with the consonant “K” such as Office K-1, Office K-3, Office K-7, and Office K-18. These offices were responsible for administration and logistics of the Centre.³⁸² They were under Pang’s direct control.³⁸³ Office K-7 was a messenger office through which written communications were addressed to “Office 870” or “Committee 870” before sending them to POL Pot at Office K-1 and Committee 870 members or members concerned depending on their areas of responsibility.³⁸⁴ Office K-18 was a telegram office through which radio communications were received and directed to Office K-1.³⁸⁵
139. Although Political Office 870 was responsible for political affairs differing from Government Office S-71 that was responsible for administration, Political Office 870 and Government Office S-71 were often generally known and referred to as “Office 870” or “Angkar’s Office” without a clear indication as to which office was referred. KHIEU Samphan, Duch and other witnesses indicated that the terms “Office 870,” “Angkar 870,” “Committee 870,” or “Angkar” were used without classification to refer to other leading bodies of the Party Centre.³⁸⁶ Certain witnesses stated that “Committee 870” or “Office 870” was used to refer directly to the Central Committee³⁸⁷ whilst some others indicated that it was used to refer to the Standing Committee³⁸⁸ or POL Pot,³⁸⁹ NUON Chea, IENG Sary, VORN Vet, SON Sen and other senior leaders,³⁹⁰ including KHIEU Samphan, depending on contents of correspondence.³⁹¹

E. Ministries

140. According to the 30 March 1976 decision, the Central Committee determined the composition of the state bodies for the purpose of establishing an official government replacing the Royal Government of National Union of Kampuchea.³⁹² It was announced that the Government “*must be totally an organisation of the Party,*

directly of our state.” The names of all ministers were publicly announced on 14 April 1976.³⁹³

141. Although this composition was subject to changes during the DK regime, in principle, the Government was formed as follows:³⁹⁴ POL Pot as Prime Minister, IENG Sary as Deputy Prime Minister in charge of Foreign Affairs, SON Sen as Deputy Prime Minister in charge of National Defence, VORN Vet as Deputy Prime Minister in charge of Economy, NUON Chea as Chairman of the People’s Representative Assembly,³⁹⁵ HU Nim as Minister of Information and Propaganda, YUN Yat as Minister of Education, TOCH Phoeun as Minister of Public Works, Transport and Post, KOY Thuon as Minister of Commerce, CHENG An as Minister of Industry,³⁹⁶ IENG Thirith as Minister of Social Affairs, THIOUN Thioeun as Minister of Health and KHIEU Samphan as Chairman of the State Presidium who used to take responsible for Commerce for accounting and pricing.³⁹⁷

1. National Assembly

142. According to the CPK Constitution,³⁹⁸ “legislative power is vested in the representative assembly of the people, workers, peasants, all other Kampuchean labourers and the Revolutionary Army of Kampuchea. The Assembly shall be officially known as the “People’s Representative Assembly of Kampuchea” with 250 (two hundred and fifty) members. The members of the People’s Representative Assembly of Kampuchea are to be elected by the people through direct and prompt general elections by secret ballot to be held throughout the country [once] every 5 (five) years. The People’s Representative Assembly of Kampuchea is responsible for legislation and for defining the various domestic and foreign policies of Democratic Kampuchea.”
143. At the first plenary session of the Assembly from 11 to 13 April 1976, KHIEU Samphan was appointed Chairman of the State Presidium,³⁹⁹ making him the effective Head of State replacing King Norodom Sihanouk.⁴⁰⁰ These documents are consistent with Duch’s statement that in 1976 the session was convened only once to announce the establishment of the Assembly and to show the world that Kampuchea

had a parliament, and the constitution was created prior to the existence of the parliament.⁴⁰¹

2. Justice

144. The CPK Constitution provides that, “Justice is administered by people’s courts, representing and defending the people’s justice, defending the democratic rights and liberties of the people, and condemning any activities directed against the people’s State or violating the laws of the people’s State.”⁴⁰² We note that no documents state the organisation and functioning of the people’s courts. Moreover, this Article indicates that the legislative power and the judiciary were not provided separately.

Section 3. Military Structure

A. RAK Establishment

145. The CPK official history indicates that its armed forces originated from “secret defence units.”⁴⁰³ In 1968, these forces were transformed into “armed guerrilla units.”⁴⁰⁴ [CPK forces] started launching armed attacks officially on 17 January 1968 and this date was marked by the CPK as the birth of the “Revolutionary Army [of Kampuchea].”⁴⁰⁵ Later, the CPK considered that from 1969 the preconditions for an army were already there. In some major Zones, there were already companies. Other locations had just platoons, squads, and teams. However, those forces were [in] the ranks of the Revolutionary Army⁴⁰⁶ and, in March 1970, were officially named the “Kampuchean People’s National Liberation Armed Forces.”⁴⁰⁷
146. The formal reorganisation of those armed forces was publicly announced in July 1975 at a ceremony that was officially called an “important political conference of the CPK Centre” with approximately 3,000 (three thousand) representatives of every unit of the Revolutionary Army, and with the presence of the “Comrade Chairman of the High-Level Military Committee of the Party”⁴⁰⁸ who addressed to those participants at that time. The brigades of all sectors were placed under the control of the Central Committee, especially under the command of the General Staff of which SON Sen was Chairman.⁴⁰⁹

B. RAK Roles

147. From the outset, the CPK considered that “for self-defence and self-liberation, it is imperative to use violence whether political violence or armed violence. It is imperative that the people be armed, that is, there must be an army.”⁴¹⁰ The RAK was a DK core institution under the absolute and monopolistic leadership of the CPK.⁴¹¹
148. According to two key documents of the Party Centre, i.e. the Constitution and the Statute which describe the DK organisation, the RAK had two obligations which are to “*defend the State power of the Kampuchean people*” and “*help to build the country.*”⁴¹² The RAK was responsible for the external security or national defence and internal security⁴¹³ against those who were considered enemies within the Army, the Party and the entire country, and helping build agriculture.⁴¹⁴
149. CPK publication and meetings of party committees often mention RAK key roles under the command of POL Pot who was in charge of overall security and military [matters] (Secretary of the Central Committee/Secretary of the Standing Committee and Chairman of the Military Committee) and through SON Sen-led General Staff.⁴¹⁵
150. In order to fulfil RAK assigned military and security duties, the General Staff gave orders and instructions to all military units at all levels to be vigilant at all times on external and internal enemies,⁴¹⁶ with the aim of carrying out the purge in the RAK. Furthermore, the General Staff imposed responsibility on the RAK for ensuring the development and improvement of people’s living standards⁴¹⁷ and encouragement of the Army for achieving the 4-year plan, which was to produce three tons of rice per hectare⁴¹⁸ for supporting each military unit except for soldiers at the border.⁴¹⁹ The last plan was to establish various worksites under the control of each military unit.

C. CPK Military

1. Military Committee of the Central Committee

1.1. Structure

151. In the Party Central Committee, there was a special military committee⁴²⁰ which was a high-level military committee⁴²¹ or called “Military Committee”⁴²² which was

established at least since 1970 to act as an organ of the Party [Centre] and thus ensured control of the RAK by the [Party] Centre.⁴²³ The Military Committee was referred to as “Security Committee”⁴²⁴ or “Military and Security Committee”⁴²⁵ responsible for both military and security matters of the CPK, including “killing,” “operation of S-21,” “other secret locations,” “secret agents,” and “general matters.” IENG Sary stated that this committee reported to the Standing Committee after receiving reports from the zones and that he personally heard reports on security.⁴²⁶

152. The Military Committee played a role of the Party Centre, thus controlling the RAK through the Centre.⁴²⁷ The Central and Military Committees from time to time met to make decisions on military issues⁴²⁸ from which overall strategic orders were applied to the armed forces.⁴²⁹

1.2. Composition

153. The Military Committee was comprised of POL Pot as Chairman, NUON Chea as Deputy Chairman in charge of political affairs, *Ta Mok* as Deputy Chairman in charge of military,⁴³⁰ IENG Sary,⁴³¹ SON Sen *alias* Khieu *alias* Brother 89⁴³² and SAO Phim⁴³³ as members. KE Pauk⁴³⁴ and VORN Vet⁴³⁵ were also claimed to have been its members. SAO Phim and *Ta Mok* could officially have had minor responsibility.⁴³⁶ After 17 April 1975, POL Pot continued to lead this committee.⁴³⁷ NUON Chea stated that, “*the military committee was made up of POL Pot, chairman, SON Sen and Ta Mok, deputy chairmen, SAO Phim and KE Pauk, members.*”⁴³⁸ NUON Chea denied being its member. However, several witnesses and a number of evidence indicate that NUON Chea was included as its member⁴³⁹ while **MEAS Muth** was not a part of it.

1.3. Roles and Functions

154. Given the leading roles in the Military Committee,⁴⁴⁰ POL Pot, NUON Chea and SON Sen appeared to have overall responsibility over S-21 Security Centre, and general policies and security.⁴⁴¹ SON Sen regularly met and coordinated his work with other Standing Committee members, ensuring that CPK leaders could control and were aware of RAK activities at all times.⁴⁴²

1.4. Authority

155. According to Duch's testimonies, it was the Military Committee that had the power to decide on purges and killing.⁴⁴³ With regard to the separation of powers, Duch stated that, *"Theoretically speaking, the separation of powers was organised through the decision on 30 March 1970. The distribution of roles in terms of smashing enemies was organised between the zone secretaries, the heads of the Office 870 committee and the independent sectors and the general staff secretary (the two exceptions being the ministry of foreign affairs and the ministry of the economy, for which nothing was provided in terms of security). Practically speaking, all power was centralised in Pol Pot's hands."*⁴⁴⁴

2. General Staff

156. As Secretary of Division 164, **MEAS Muth** was charged of being a member of the General Staff reporting directly to the RAK General Staff led by SON Sen *alias* Khieu or Brother 89.⁴⁴⁵ **MEAS Muth** often attended General Staff meetings on plans to purge RAK divisions.⁴⁴⁶

2.1. The Structure of the General Staff

157. The central body of the RAK was the General Staff. On 22 July 1975, POL Pot, the Party's senior Chairman of the Military Committee, presided over a ceremony which was held to organise the revolutionary army of the Party Central Committee.⁴⁴⁷ The General Staff was established in August 1975 to serve as a national military command centre.⁴⁴⁸ According to the decision of the Standing Committee meeting on 9 October 1975, SON Sen was designated as "responsible for General Staff and Security"⁴⁴⁹ with assistants for politics, military, and logistics.⁴⁵⁰ Those who could be selected as assistants to the General Staff were cadres at only "battalion and regiment levels," and SON Sen and division secretaries could help educate them.⁴⁵¹ Duch said division secretaries were assistants to the General Staff.⁴⁵²
158. Pursuant to Article 19 of the DK Constitution, the General Staff controlled three branches of the RAK – regular, regional, and guerrilla forces.⁴⁵³ All divisions, including the divisions of the Southwest and the East, were under the command of the

Minister of National Defence and the General Staff.⁴⁵⁴ Through the General Staff, the Military and Standing Committees, the three categories of the army as mentioned earlier were “*under the absolute leadership monopoly of the Communist Party of Kampuchea.*”⁴⁵⁵

2.2. Composition

159. The Standing Committee of the General Staff had three most important persons:⁴⁵⁶ SON Sen *alias* Khieu or Brother 89 as chief⁴⁵⁷ or secretary⁴⁵⁸ of the General Staff, MAEN San *alias* Ya as deputy secretary and full-rights member of the Centre (who was, three or four months later, appointed as secretary and transferred to the Northeast Zone),⁴⁵⁹ and SIET Chhe *alias* Tum *alias* Brother 81 as member and reserve member of the Centre⁴⁶⁰ (who later became SON Sen’s deputy secretary replacing MAEN San *alias* Ya).⁴⁶¹
160. The General Staff had several offices⁴⁶² with a total of approximately 30⁴⁶³ to 40⁴⁶⁴ personnel. Its members included **MEAS Muth** responsible for the navy, SOU Met responsible for the air force,⁴⁶⁵ and no one responsible for the ground force.⁴⁶⁶ Besides, in the General Staff Office, there were a number of assistants in charge of different tasks such as IN Lorn *alias* Nat⁴⁶⁷ responsible for the transfer of people to S-21,⁴⁶⁸ SUN Ty *alias* Teanh, head of the Logistics Office,⁴⁶⁹ CHAN Chakrey *alias* Mean⁴⁷⁰ and PECH Chhan or Chhann *alias* Saom⁴⁷¹ as members of the Office-62 Committee which was the Logistics Office of the General Staff,⁴⁷² CHHOUK Sao, logistics chief of Division 170 was removed by SON Sen to the Logistics Committee of the General Staff⁴⁷³ and Ren⁴⁷⁴ as an assistant to the General Staff in given time.⁴⁷⁵
161. In addition to the assistants to the General Staff, there were other personnel who took charge of various sections such as Thas responsible for the General Staff Office, working in the messenger office of the General Staff,⁴⁷⁶ Long, chief of radio and telecommunication of the General Staff,⁴⁷⁷ LONH Dos, member of radio and telecommunication of the General Staff,⁴⁷⁸ Ran in charge of daily telephone operations in the General Staff Office,⁴⁷⁹ Noeun working in the messenger office of the General Staff⁴⁸⁰ and chairman of Information Section,⁴⁸¹ MEN Keo, driver of the General Staff Office,⁴⁸² Phan, SON Sen’s personal driver,⁴⁸³ KE Pich Vannak *alias*

Tha *alias* Yuth, driver transporting food supply from Phnom Penh to the staff office in Svay Rieng,⁴⁸⁴ and cooks: Nit, La and Touch.⁴⁸⁵

162. **MEAS Muth** may have been appointed as a political assistant to the General Staff at the 1975 Party Congress during which SON Sen was assigned to take charge of the military and security, establishing the Navy and Air Force.⁴⁸⁶
163. Regarding **MEAS Muth**'s membership of the General Staff, we find that there are considerable doubts. According to the "Document on the 5th POL Pot-IENG Sary Congress" on 2 November 1978,⁴⁸⁷ **MEAS Muth**'s name was not in the composition of the General Staff Committee because the General Staff Committee was comprised of only POL Pot as chairman, Met, Mok, and Ruon as members. However, Duch testified that perhaps hardly had Ya and Tum been smashed⁴⁸⁸ before SOU Met and **MEAS Muth** became members.⁴⁸⁹ Although Duch's assumption may have been correct, becoming the members of the General Staff at the Party Congress on 02 November 1978 lasted for less than 50 (fifty) days before the DK regime collapsed.

2.3. Roles and Functions

164. Duch stated that, "*General Staff was in charge of the execution of POL Pot's orders, and SON Sen was the one to comply.*"⁴⁹⁰ POL Pot had general responsibility over the military.⁴⁹¹ As Chairman of the General Staff, SON Sen was the one who received reports and disseminated orders.⁴⁹² Therefore, the General Staff was the CPK executive body receiving direct orders from the Military Committee and/or the Standing Committee that developed policies on behalf of the Central Committee. Then, the General staff carried out those orders after meetings with commanders of central divisions and independent regiments. During those meetings, SON Sen as Chairman of the General Staff conveyed and announced the upper echelon/Party lines to those commanders. At the same time, their reports were also heard and, in some instances, meetings decided to issue orders with regard to a range of key issues right away.⁴⁹³
165. Since its inception, the General Staff coordinated various tasks such as setting up divisions, intelligence agencies and military installations, assigning tasks, planning, leading military operation, [preparing the] logistics: ammunition, food supplies,

clothing, transport, medicines,⁴⁹⁴ issuing orders to mobilise troops to divisions⁴⁹⁵ and adopting measures to produce rice to every division.⁴⁹⁶

166. **MEAS Muth** previously acknowledged he met with SON Sen “a few times” in order to carry out the work of the Central Committee. “*Mostly we talked about border issues,*”⁴⁹⁷ he said. Moreover, all of his correspondence with SON Sen involved only dispatching troops and rice production,⁴⁹⁸ not arresting [people].⁴⁹⁹
167. Minutes of military meetings showed that⁵⁰⁰ as Division Commander after receiving its internal reports,⁵⁰¹ **MEAS Muth** forwarded them to and received orders from SON Sen regarding rice production, military issues arising in his area of responsibility⁵⁰² including arrests of people and capture of vessels encroaching on Cambodian territorial waters,⁵⁰³ and arrests of enemies based on implicating confessions⁵⁰⁴ as did other division commanders.⁵⁰⁵ Then, SON Sen further reported to *Angkar*⁵⁰⁶ and issued orders to **MEAS Muth** for implementation. For example, [SON Sen] issued the order to smash enemies who encroached on Cambodian territorial waters⁵⁰⁷ and ordered the army to produce rice according to or beyond plan.⁵⁰⁸

2.4. Authority

168. Leadership positions of central divisions were appointed on behalf of the Central Committee by POL Pot, NUON Chea, IENG Sary, and SON Sen.⁵⁰⁹ The General Staff also had the power to remove the positions of division secretaries and other cadres of central divisions.⁵¹⁰ Evidence in the case file shows that even the removal of deputy secretaries of central divisions or lower-level cadres had to have decisions from *Angkar*, referred to SON Sen or higher echelons.⁵¹¹
169. According to the 30 March 1976 Central Committee decision,⁵¹² the right to smash inside and outside the ranks of the central army shall be decided by the General Staff. In addition, Duch⁵¹³ also mentioned 13 people,⁵¹⁴ including POL Pot, NUON Chea, SAO Phim, CHHIT Choeun or OUNG Chouen *alias* Mok, VORN Vet, SON Sen, KHIEU Samphan, KOY Thuon, MAEN San *alias* Ya, ROS Nhim, KE Pauk, CHOU Chet *alias* Sy, KANG Chap *alias* Sae, who had the full-fledge right to smash, and according to this document, **MEAS Muth** was not among them.

170. As regards the structure of the General Staff, Duch stated that no-one else had the right to arrest by the Special Army of the centre, other than SON Sen himself.⁵¹⁵ Duch stressed that “*when we talked about the General Staff, we referred to the secretary of the General Staff. To be more precise, it was SON Sen. But SON Sen himself sometimes needed POL Pot’s prior approval. Also, before making any decisions, SON Sen always asked for comments and assistance from the heads of the divisions. There were numerous documents proving such cases, for example, the request for comments from Nat and Pine, etc. Whenever the chiefs of divisions requested the upper echelons to keep some people, they bore the responsibilities for their requests. However, regarding **MEAS Muth** and **SOU Met**, there were no documents proving such requests for comments.*”⁵¹⁶
171. According to the minutes of the meeting between divisions concerned, what Duch claimed above was consistent with what SON Sen did – divisions did not have the right to decide on arrests. Divisions were to report to SON Sen who identified names for arrests, and the meeting would decide according to what SON Sen proposed. Afterwards, Duch provided his comments on arrest procedures, for example, S-21 Security Centre and divisions worked together to arrest people from where they were and loaded them onto trucks right away or consulted and came up with concrete measures.⁵¹⁷

D. RAK Composition

172. Pursuant to Article 19 of the DK Constitution, the RAK had three categories: regular, regional, and guerrilla forces.⁵¹⁸ All of the three categories were “*under the absolute leadership monopoly of the Communist Party of Kampuchea*”⁵¹⁹ and were described as “*the pure dictatorial instrument of the Party.*”⁵²⁰ The RAK included the “Regular Army of the Centre” and all local military units,⁵²¹ which were all ultimately under the command of the Central Committee and its Military Committee.⁵²²

1. Regular Army

173. The regular army was composed of Divisions⁵²³ and Independent Regiments. Divisions were separated into two (2): Centre Divisions and Zone Divisions. The former had the right to report directly to the Centre.⁵²⁴

174. Generally, a division had at least three regiments⁵²⁵ with 1,000 (one thousand) to 1,800 (one thousand and eight hundred) soldiers. Each regiment had 3 (three) to 4 (four) battalions, each of which had 350 (three hundred and fifty) to 600 (six hundred) soldiers.⁵²⁶ Each battalion had 3 (three) to 4 (four) companies with between 100 (one hundred) and 200 (two hundred) soldiers.⁵²⁷ Each company had 3 (three) to 4 (four) platoons with around 36 (thirty-six) soldiers⁵²⁸ and one technical team.⁵²⁹ Each platoon had three squads, each with 12 (twelve) soldiers.⁵³⁰
175. Reorganisation of divisions also occurred due to the intensification of the armed conflict with Vietnam from late 1977,⁵³¹ which was accompanied by the creation of a number of new Centre divisions formed out of an expansion and reorganisation of units originating in the Southwest Zone. These included Divisions 340, 221, 440, 460, 210, 230, 250 and 270.⁵³²

2. Centre Divisions

176. New Army, Navy and Air Force were established by the Standing Committee meeting of 9 October 1975.⁵³³
177. The RAK also established two combined field commands that each exercised command over several divisions. Both were established in the East Zone. The first of these field commands was located on Route 1 in Sector 23. It was commanded by SON Sen⁵³⁴ and comprised of Divisions 703, 340, 221, 460, and 805, 210, 230, 250 and 270.⁵³⁵ The second field command was located on Route 7, also in the East Zone. It included Division 207 (ex-Division 310),⁵³⁶ Division 603 (ex-Division 450),⁵³⁷ Division 280⁵³⁸ and Division 175,⁵³⁹ plus elements of Division 502⁵⁴⁰ and forces of the Central (former North) Zone.⁵⁴¹
178. Route 7 field command was commanded by SAO Phim with KE Pauk as deputy; SAO Phim was replaced by SON Sen after the purge and suicide of SAO Phim. Centre Divisions were purged, which led to their subsequent re-designation and merging into other divisions. Notably Divisions 310, 450 and 920, were purged as part of the purges in the North Zone, from where these units originated. As a result of this purge process, Division 310 and Division 450 were re-designated Division 207⁵⁴² and 603,⁵⁴³ respectively.

Structure of Centre Divisions

179. The Centre Divisions were commanded directly by the Centre, as were the Independent Regiments. They constituted the main military force of RAK and, as such, carried out the bulk of military operations against external enemies. Centre Divisions were frequently re-designated, dissolved, or merged into each other during the CPK era.
180. As of March 1977, the Centre forces included Divisions 801, 703, 310, 450, 170, 690, 502, 900 and 164, and Independent Regiments 152, 377 and 488.⁵⁴⁴
181. **MEAS Muth** was charged with being Secretary of RAK Division 164 which was based in Kampong Som, Ream, and Kampot. He remained Division 164 Secretary at least from January 1976 until at least April 1978. Some witnesses believed that he was secretary after a brief period in April 1975 to January 1979.⁵⁴⁵

2.1. Division 164

History of Creation from Division 3

182. Division 164 originated from Division 3, a Southwest Zone⁵⁴⁶ military unit, and was established in 1973 or early 1974.⁵⁴⁷ **MEAS Muth**, *Ta* Mok's son-in-law, was appointed as Chairman of Division 3 (in charge of political affairs)⁵⁴⁸ and MEN Nget *alias* Nget and LONG Saroeun *alias* Roeun or Rin⁵⁴⁹ were his deputies.⁵⁵⁰
183. In Division 3, each subordinate unit received direct orders from its superior. Regiments and battalions were commanded by **MEAS Muth**.⁵⁵¹ Division 3 had three regiments under its command:⁵⁵² Regiments 20, 21, and 22.⁵⁵³
184. MEN Nget was Chairman of Regiment 20⁵⁵⁴ with 3 (three) battalions under his control: Battalions 320, 330, and 370. Regiment 20 was stationed in Stung Hav.⁵⁵⁵
185. *Ta* Meanh was Chief of Regiment 21⁵⁵⁶ with 3 (three) battalions under his control: Battalions 410, 420 and 480. Regiment 21 field command was close to Ream and stationed on the islands in DK territorial waters, including Koh Tang, Koh Pring, Koh Puolo Wai Chas and Koh Puolo Wai Thmei, etc.⁵⁵⁷

186. Morm Choem *alias* Yan was Chief of Regiment 22⁵⁵⁸ with 2 (two) battalions under his control: Battalions 520, and 540 based on Ses Island, Thmei Island and in Kampong Som.⁵⁵⁹

Transformation [from Division 3] into Division 164

187. In 1975, Division 3 was stationed near Pochentong Airport.⁵⁶⁰ After the liberation on 17 April 1975, it was ordered to move to Kampong Som.⁵⁶¹ There⁵⁶² it was renamed Centre Division 164 in a large meeting at Olympic Stadium on 22 July 1975,⁵⁶³ and later became the [DK] Navy on 9 October 1975⁵⁶⁴ under **MEAS Muth**'s command.⁵⁶⁵ This Navy was stationed on various islands such as Koh Poulo Wai, Koh Tang, Koh Pring, Koh Rong, Koh Rong Sanloem, Koh Ses, Koh Thmei, and other smaller islands⁵⁶⁶ and also on land such as in Kang Keng, Ream, Toek Sab, Stung Hav, Kampong Som with the radar at Bauk Kor.⁵⁶⁷
188. **MEAS Muth** became Secretary of Division 164 of the [DK] Navy⁵⁶⁸ in Kampong Som⁵⁶⁹ (now Preah Sihanouk Province) – the division had the land base unit and the sea base unit⁵⁷⁰ – at least between January 1976⁵⁷¹ and April 1978⁵⁷² and Chairman of the Committee Kampong Som City.⁵⁷³ When he became Secretary of Division 164, he like other secretaries reported directly to the General Staff and to the Party Centre on military, administration and other issues.⁵⁷⁴
189. The Introductory Submission alleged that **MEAS Muth** controlled 17,000 civilians and division personnel⁵⁷⁵ among whom there were between 8,500⁵⁷⁶ to 10,000⁵⁷⁷ or 12,000 in late 1975,⁵⁷⁸ 8,611 in October 1976,⁵⁷⁹ and 8,568 in March 1977.⁵⁸⁰ According to the administrative structure, Kampong Som was an autonomous city led by **MEAS Muth** and under the control of the Party Centre.⁵⁸¹ According to the military structure, this city was an autonomous military area under the General Staff.⁵⁸²

The Composition of Division 164

190. After arriving in Kampong Som, HOENG Doeun *alias* Dim⁵⁸³ and CHEY Han *alias* Chhan or NONG Chhan became MEAS Muth's deputy replacing LONG Saroeun *alias* Roeun or Rin who became Chairman of Regiment 140⁵⁸⁴ and MEN Nget *alias*

Nget who became Chairman of Regiment 161.⁵⁸⁵ HOENG Doeun *alias* Dim, from the East Zone, was the Division Deputy Chairman⁵⁸⁶ in charge of the military. He was arrested on 21 April 1977 and executed at S-21 Security Centre in the same year.⁵⁸⁷ As for CHEY Han *alias* Chhan *alias* NONG Chhan, another Division Deputy Chairman,⁵⁸⁸ was executed in 1976.⁵⁸⁹ NHET Nhan *alias* Ta Nhan, who was in charge of economy, became Division Deputy Chairman in late 1978 to 1979, after HOENG Doeun *alias* Dim was arrested.

191. Having been renamed Division 164, its military structure was also reorganised. The three regiments of Division 3 was renamed, namely Regiment 20 was renamed as Regiment 161, Regiment 21 as Regiment 162, and Regiment 22 as Regiment 163.⁵⁹⁰ The new regiments were better known as Regiment 61, Regiment 62 and Regiment 63,⁵⁹¹ including a newly established regiment – Unit 140.⁵⁹²
192. Regiments 161, 162, and 163 were stationed and fought on land, and Regiment 140 fought on the water.⁵⁹³ Even though the Division and Regiments were renamed, the commander of each regiment remained unchanged.⁵⁹⁴
193. MEN Nget remained Chairman of Regiment 161 after 17 April 1975.⁵⁹⁵ But later he was arrested and transferred to S-21 Security Centre in 1977.⁵⁹⁶ SOKH Pheap replaced him as Chairman of the Regiment.⁵⁹⁷ Regiment 161 controlled three battalions: Battalions 611, 612, and 613.⁵⁹⁸ Regiment 161 was based in Kampong Som port.⁵⁹⁹ When the Party Centre decided to build a military port at Stung Hav in early 1976, Regiment 161 was situated there.⁶⁰⁰
194. Regiment 162 was commanded by IEK Manh or *Ta* Mean or *Ta* Meak.⁶⁰¹ Being accused of a traitor,⁶⁰² IEK Manh was arrested in 1977. Then Son became the regiment chairman and commanded forces on Koh Tang between 1977 and 1978. Later he left Koh Tang to command forces fighting on the Vietnamese border.⁶⁰³ The next commander was Yeang, who led Regiment 162.⁶⁰⁴ Regiment 162 had three battalions: Battalions 621, 622 and 623.⁶⁰⁵ Regiment 162 was situated at Ream⁶⁰⁶ and stationed at Koh Puolo Wai Chas, Koh Puolo Wai Thmei, Koh Tang, Koh Pring, and Koh Krachak Seh.⁶⁰⁷

195. Regiment 163 was headed by the same chairman, MAM Chim *alias* Yan.⁶⁰⁸ Yan was arrested and sent to S-21 Security Centre in May 1977.⁶⁰⁹ After his arrest, SIN Chorn became Chairman of Regiment 163.⁶¹⁰ This regiment had three battalions: Battalions 631, 632, and 633.⁶¹¹ Regiment 163 was based in Kang Keng,⁶¹² and then Toek Sap⁶¹³ until the Khmer Rouge regime collapsed.⁶¹⁴
196. Regiment 140 was led by LONG Saroeun *alias* Roeun *alias* Rin.⁶¹⁵ Later Saroeun disappeared.⁶¹⁶ Regiment 140 began its operations in July or August 1975.⁶¹⁷ Regiment 140 had 4 (four) battalions: Battalions 141, 142, 143, and 144.⁶¹⁸
197. Battalion 141 was a Pursuit Unit responsible for chasing vessels⁶¹⁹ under the command of Battalion Chairman SAR Moeun,⁶²⁰ and KUN Dim⁶²¹ was his assistant. KUN Dim was arrested on 20 April 1977 and executed at S-21 Security Centre on 19 September 1977.⁶²² Bo was a Pursuit Unit Chief.⁶²³ He is still alive.⁶²⁴ Battalion 141 had more than ten vessels.⁶²⁵ The Pursuit Unit was not responsible for arrests⁶²⁶ and was not stationed everywhere. It stood ready for receiving orders to attack warships only.⁶²⁷ Generally, the command came from the chairman of the unit, not from the Division.⁶²⁸ The Pursuit Unit was headquartered at Au Chheu Teal [Beach] and docked upon command. Some vessels docked at Koh Rong, Au Chheu Teal, and some others anchored in the sea.⁶²⁹
198. Battalion 142 was a Defence Section⁶³⁰ under the command of KUNG Sien *alias* Sang. Later he was arrested and died of disease at S-21 Security Centre.⁶³¹ The Chairman of the Defence Unit was Han.⁶³² It had around 8 (eight) to 10 (ten) vessels⁶³³ and was tasked to stand by at various places and islands and waited for command to fight.⁶³⁴ Battalion 142 was based at Ream port and other places such as Au Chheu Teal, Koh Tang, Koh Kong, and Koh Rong Sanlem.⁶³⁵
199. Battalion 143 was an Anti-submarine Unit⁶³⁶ under the command of NIEV Rim *alias* Rim.⁶³⁷ It stayed in one place – it did not move to other places – waiting for an order to attack. Its chiefs were Chhorn or Chorn (dead) and Lan (alive),⁶³⁸ and it had only two vessels⁶³⁹ for its operations.
200. Battalion 144 was a Mine Sweeping Vessel Unit⁶⁴⁰ under the command of Battalion Chairman Han. He remained in the position until mid-1978 when he became

chairman of Regiment 140.⁶⁴¹ 4 (four) old vessels stationing at the frontline outpost in Kep were used to sweep mines in the sea and the Mekong River.⁶⁴²

201. Besides the regiments under its control, Division 164 had 6 (six) independent battalions: Battalions 165 (former Battalion 450), 166, 167, 168, 169, and 170 under the control of **MEAS Muth** and the Division 164 Committee.⁶⁴³
202. As for Battalion 165, SAR Moeun *alias* Moeun became chairman of Battalion 450 before 1975 and remained in the position until the creation of Regiment 140 in August 1975. Then he became chairman of Battalion 141.⁶⁴⁴ The chairman of Battalion 165 after August 1975 was CHHUN Lun *alias* Sam Ath *alias* Sun, who was later sent to S-21 Security Centre after **MEAS Muth** reported his case to SON Sen and executed on 1 October 1976.⁶⁴⁵ Battalion 165 was a special intervention unit of Division 164, which was an independent unit⁶⁴⁶ directly reporting to **MEAS Muth**. It was responsible for security and protection only.⁶⁴⁷
203. Battalion 165 was composed of messengers and bodyguards. According to statistics, in late 1976, it had 265 (two hundred and sixty-five) outstanding soldiers.⁶⁴⁸

3. Zone Army

204. In the RAK, the second big branch was the zone army, which was generally organised into divisions.⁶⁴⁹ Although all those divisions had to finally report to the Centre, they were part of the administrative structure directly under the zone.⁶⁵⁰ Their duties, which were closely related to activities of the zone where they were stationed, were to defend the territory and internal security. The zone army along the Thai and Vietnamese borders was deeply involved in the fights which occurred along those borders.⁶⁵¹ At the level below the division, districts also had their own ground forces under battalions.
205. Sometimes the central division and zone army were in the same region. For instance, the Centre's Division 920 was based in Mondul Kiri. It was considered regular army, while Mondul Kiri also had two battalions/regiments which were considered zone army under the command of the commander of Region 105 or Mondul Kiri.⁶⁵² Also, there was a division responsible for the Kratie Sector or Autonomous Sector 505.⁶⁵³

4. Militia

206. The third force was the base army, referred to as “the militia.” They lived among other villagers. They were tasked to deal with security related issues at the base.⁶⁵⁴ Their duties included arrests,⁶⁵⁵ execution,⁶⁵⁶ and other military related tasks such as the protection of villages and cooperatives.⁶⁵⁷ The militia directly reported to the village, commune committee, and district committee,⁶⁵⁸ and they were called to perform civil administrative security work.⁶⁵⁹

E. RAK Communication

1. Communication between Divisions and the Central Committee

207. IENG Sary asserted that the Military Committee generally reported to the Standing Committee after receiving reports from the zones, and he himself ever heard of reports on the security.⁶⁶⁰ The communication between divisions and the Centre was made, on a regular basis, many times per day.⁶⁶¹ The headquarters of the Centre communicated regularly with divisions⁶⁶² and depended on those divisions that forwarded its command to lower units. Important decisions of the division level were left to the headquarters of the Centre to make.⁶⁶³ Divisions sent reports to the headquarters of the Centre on a regular basis. Generally, those reports described issues including combats, discovery of internal enemies and other matters.⁶⁶⁴
208. Communication was facilitated by many means. Its most frequently-used means were walkie-talkies and telegraph, including message and verbal communication.⁶⁶⁵ To this end, the Staff⁶⁶⁶ as well as each division⁶⁶⁷ had a walkie-talkie unit and telegraph unit. Messages were sent and received by the RAK in secret codes.⁶⁶⁸ Generally, messengers were frequently asked to deliver messages,⁶⁶⁹ and each division had its own messenger unit to do the job.⁶⁷⁰ Messages between the Staff or the Military Committee and messages between various divisions were frequently sent to the members of the Central Committee.⁶⁷¹
209. Face-to-face meetings were a means used frequently for communication between the Central command headquarters and divisions.⁶⁷² These could be small⁶⁷³ or big⁶⁷⁴ meetings. For instance, big meetings were held before the ultimate attack on Phnom

- Penh⁶⁷⁵ or before the purge of the East Zone.⁶⁷⁶ In big meetings, speeches were frequently made by Party leaders.⁶⁷⁷ Some witnesses reported that a big military meeting was held at the Olympic Stadium in Phnom Penh for unit commanders from the rank of battalion and above under SON Sen's chairmanship.⁶⁷⁸
210. Division 164 was under the control of the Centre.⁶⁷⁹ The General Staff was under general supervision of the Party Centre and was in charge of military affairs, including supplies, logistics, weaponry, soldiers, communication and information.⁶⁸⁰ Being secretary of Division 164, **MEAS Muth** directly reported to the General Staff.⁶⁸¹ If they found a foreign ship encroaching on the Cambodian territorial waters, they would report to the higher level immediately and, in turn, wait for the order.⁶⁸²
211. **MEAS Muth** directly reported to SON Sen about armed conflicts with Vietnam in Koh Tral,⁶⁸³ military situations, and arrestees. Then SON Sen reported to the higher *Angkar*.⁶⁸⁴ For instance, **MEAS Muth** reported that, "*We [...] caught two machine boats. [...] were arrested 2 kilometres from Koh Kong. Later, we questioned them. [...] a Khmer among the five arrestees. The rest is Siamese.*"⁶⁸⁵ Moreover, SON Sen made an annotation on this report that, "*To Angkar: [1] we ask to find the inside networks, [2] find the entry and exit, [3] traitorous elements along the border.*"⁶⁸⁶
212. Minutes of some military meetings show that MEAS Muth had reported to SON Sen about the arrests of Thai fishermen,⁶⁸⁷ the purge of one platoon of depot units,⁶⁸⁸ and military situations.⁶⁸⁹ The General Staff was to issue orders and instructions to each division, including Division 164, such as an absolute stance to smash enemies, both on land and the DK territorial waters. After SON Sen received reports from the divisions, he made copies and sent them to Office K-1.
213. Regular communication was made on a daily basis between the divisions and the Centre.⁶⁹⁰ The General Staff used walkie-talkies to communicate with divisions,⁶⁹¹ while telephone and telegraph were used only for confidential information.⁶⁹²
214. Generally, **MEAS Muth** communicated with the Centre via telegraph,⁶⁹³ telephone,⁶⁹⁴ letters,⁶⁹⁵ and messengers.⁶⁹⁶ Monthly reports were sometimes sent via train.⁶⁹⁷ Telegrams, letters, and reports via phone between **MEAS Muth** and SON Sen (Brother 89), were copied to NUON Chea (Brother Nuon, Uncle, or Uncle

Nuon), VORN Vet (Brother 87), Brother Nat, Brother Saom, SIET Chhè (Brother 81) and Brother Tat.⁶⁹⁸

215. **MEAS Muth** reported to the Centre about the participation of the army,⁶⁹⁹ activities of enemies and fishing boats,⁷⁰⁰ discovery of internal enemies and activities in the division,⁷⁰¹ rice growing,⁷⁰² and health of the army.⁷⁰³
216. Reports and telegrams show the Centre's divisions complied with the instructions received from the upper Angkar or requested explanation from political leaders and the Centre's military.⁷⁰⁴ For instance, **MEAS Muth** reported to SON Sen regarding attacks on fishing boats and capture of Vietnamese boats and sought advice on measures to be taken.⁷⁰⁵

2. Communication within Divisions

217. Communication within the divisions was made through a command structure, with the commander communicating with the upper level and lower level under them. Secretaries of divisions reported to the upper level on issues and received orders back.⁷⁰⁶ Daily communication was often made via mobile walkie-talkies.⁷⁰⁷ At the same time, other means of communication such as messengers,⁷⁰⁸ telegrams,⁷⁰⁹ and meetings⁷¹⁰ were also utilized.
218. The Division 164 headquarters in Kampong Som had messengers,⁷¹¹ walkie-talkies,⁷¹² and telephone.⁷¹³ The reporting through such means mostly concerned military situations,⁷¹⁴ capture of boats and people arrested,⁷¹⁵ and issues arising in their respective divisions,⁷¹⁶ including logistics – shortages of gasoline, repairs on boats,⁷¹⁷ construction,⁷¹⁸ rice production,⁷¹⁹ and healthcare.⁷²⁰ When **MEAS Muth** was absent, Dim, who was deputy secretary, would report to **MEAS Muth** directly.⁷²¹
219. Division 164 also had its radar located at Phnom Bokor and on Koh Tang and collaborated with Division 1 whose radar was located in Koh Kong.⁷²²

F. Relations between MEAS Muth and the General Staff

220. Case File 003 contains up to 83 (eighty three) confessions⁷²³ – the confessions from S-21 Security Centre were included in the case file before the date of the conclusion

of the judicial investigation. However, after a study on the annotations written on the confessions, there were only 2 (two) confessions⁷²⁴ which contain the annotations on the front pages – one annotation confirming the identities of those arrested, one of whom was a member of **MEAS Muth**'s division and the other only confirming that some other members of **MEAS Muth**'s division were linked to traitorous networks.

221. Most confessions concern Vietnamese forces arrested by the Khmer Rouge along the Cambodian land and sea borders. Other confessions, most of them, concern people working in the administration from the ranks of zone secretaries to local levels.
222. In Case File 003, 145 (one hundred and forty-five) telegrams⁷²⁵ are found to have been included in the case file before the conclusion of judicial investigation. After a study on their contents, only 3 (three)⁷²⁶ out of more than 100 telegrams were sent out under **MEAS Muth**'s name. In addition, only 7 (seven)⁷²⁷ telegrams had been delivered to **MEAS Muth**, and only one⁷²⁸ of which SON Sen sent back to Division 164, with a clear indication that the instructions were given to **MEAS Muth**.
223. There are 50 (fifty)⁷²⁹ minutes of the meetings which were included in the case file before the date of the conclusion of the judicial investigation. After a study on those meeting minutes, it is found that there are 3 (three)⁷³⁰ meeting minutes that show **MEAS Muth**'s participation in the meetings.
224. Case File 003 contains 8 (eight)⁷³¹ confidential telephone messages which were included in this case file before the date of the conclusion of the judicial investigation. However, only six⁷³² of them were sent out by **MEAS Muth**.
225. Likewise, concerning secret telephone, the number of confidential telephone messages available in the case file, 6 (six) out of 8 (eight) confidential telephone messages are found to have been sent out under **MEAS Muth**'s name. **MEAS Muth** was responsible for reporting factual situations and conveying top-down orders. No confidential telephone messages were found accusing **MEAS Muth** of giving orders to kill someone.

226. There are not many DK surviving documents that refer to the Charged Person **MEAS Muth**. Moreover, important meeting-related documents show that his participation was limited to receiving orders from the upper echelons for implementation.

G. Discipline

227. The RAK imposed strict discipline regime on its commanders and armed forces. The discipline regime prescribed means of monitoring and punishment. Criticism and self-criticism meetings were held in military units where soldiers were expected to criticise themselves for their own mistakes and other people's mistakes.⁷³³ Techniques for monitoring and punishment were also used in the meetings organised by the General Staff.⁷³⁴
228. Various forms of punishment were applied on the army when they made mistakes. Punishments were applied in various units,⁷³⁵ including sending out for re-education⁷³⁶ or to worksites⁷³⁷ or execution.⁷³⁸ Any commander who disobeyed or was considered traitorous would be arrested and later executed.⁷³⁹ As for arrests and interrogation of those assumed to be traitorous, the RAK units used the locations of offices such as S-21 Security Centre⁷⁴⁰ or their own security centres.⁷⁴¹

Section 4. The Policy to Purge in the Military Rank

A. The Purge Policy

229. The "sweeping clean" or "purge" means purification of policies through punishments from demotion to tempering or execution.⁷⁴² Witness CHHOUK Rin asserted that, "*POL Pot frequently spoke about the necessity of purging, meaning making arrests, and NUON Chea talked about internal enemies.*"⁷⁴³
230. In a RAK official meeting in July 1975, the Chairman of the Party's Senior Military Committee declared that the RAK had to protect the country against "*enemies burrowing from within*" and that the RAK obligation was "continue to smash" in Phnom Penh and that the main duty after liberating Phnom Penh was defend the whole country, both the territorial waters and airspace.⁷⁴⁴ During a meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, various

measures were also raised for discussion, including the purge of “no-good elements.”⁷⁴⁵

231. On 15 August 1975, a meeting was held to unmask internal enemies in the presence of SON Sen, Nat, and Duch. SON Sen read the confession of Ya, Sot, Pang, and a part of KOY Thuon’s confession.⁷⁴⁶ Duch assumed that⁷⁴⁷ internal purges started from April 1976 stemming from a grenade attack behind the [Royal] Palace on 2 April 1976 and KOY Thuon’s placement under house arrest since 8 April 1976.
232. On 30 March 1976, the Central Committee reported on “smashing inside and outside the ranks” that, *“If within the base framework, the decision shall be taken by the Zone Standing Committee. Surrounding the Centre Office, the decision shall be taken by the Central Office Committee. In independent Sectors, the decision shall be taken by the Standing Committee. For the Centre Military, the decision shall be taken by the General Staff.”*⁷⁴⁸ A few months later, CPK internal documents needed the heightened *“revolutionary vigilance”* for preventing enemies from burrowing from within the Party and the army.⁷⁴⁹ In practice, it appeared that Sectors issued decisions to “smash”⁷⁵⁰ or monitored the decisions to smash at the district level.⁷⁵¹ In other places, districts appeared to have decided this way by their own cadres.⁷⁵² This principle was applied both to members and non-members of the Party. Being responsible for internal security of the army, the RAK had implemented the purge policy by order of the Party Centre.
233. SON Sen, Chief of the General Staff, enforced the CPK purge policy, ordering all the division secretaries to take action. As a result, many divisions reported to SON Sen on the purge.⁷⁵³ During a joint meeting with Division 703 and S-21 Security Centre on 9 September 1976, SON Sen heard the situations reported by military units and, in addition, ordered them that, *“[You] must recognise your heavy duties and go all out in doing constant political and ideological education. [You] must firmly grasp biographies and ideologies ... As for Security, I suggest it increase its surveillance of enemy situations.”*⁷⁵⁴
234. In June 1978, the CPK Central Committee issued a guideline on the Party’s policy towards enemies and no-good elements entitled *“Guidance of the Central Committee*

of the Communist Party of Kampuchea on the Party's Policy towards Misled Persons who have joined the CIA, served as Yuon agents or joined the KGB and opposed the Party, Revolution, People and Democratic Kampuchea."⁷⁵⁵ Its content confirms the Party's policy which is to re-educate all the forces who can be reformed, forgiving those who have mistakenly joined the CIA, KGB, and Vietnam before July 1978, and instructing the Party and people to refashion those misled individuals so that they will rapidly progress and set up towards prosperity in all fields.⁷⁵⁶

235. A witness stated that the June 1978 Central Committee guideline had given the CPK Central Committee the power to smash enemies. Previously such power had been transferred from the Centre to the bases through the 30 March 1976 decision.⁷⁵⁷ The June 1978 guideline was published as circular in the Revolutionary Flag magazine.⁷⁵⁸ The Revolutionary Flag, published in July 1978, encouraged the Party members to *"continue to absolutely sweep clean all the traitors burrowing from within and single out all destructive elements from our ranks."*⁷⁵⁹
236. In September 1978, POL Pot declared this new policy in the National Congress held at Borey Keila in Phnom Penh with the participation of all members of the Central Committee as well as Party cadres, both soldiers and civilians who held the ranks from battalion chiefs and district com or higher.⁷⁶⁰ Witness testimonies confirm that, *"In this congress, POL Pot announced that both the military and the base had no longer the rights to arrest or tie anyone; in the province, there was no court; the province had the rights to only question, [and] could not threaten anyone; the province had to conduct the enquiries and send the report of the enquiries to the Centre."*⁷⁶¹ Duch provided evidence that the change in the CPK policy was not the tolerant policy; it was a trick to defuse the tension in the mind of the people.⁷⁶²

The Purge in the East Zone

237. The initiative to organise the purge plan in the East Zone may have been made in line with general purge policies, and may have begun in late October or November 1977 through a military meeting in Takeo with a mission to attack the Vietnamese in Cambodia and to purge those who conspired with the Vietnamese in the East Zone.⁷⁶³ Having been accused of being linked with the Vietnamese, many East Zone cadres

- were purged⁷⁶⁴ and the purge in the East Zone did not only target geographically at East Zone cadres but also those who originated from the East Zone and were deployed to other workplaces, including in ministries, such as the Ministry of Social Affairs, which was targeted until the end of the DK regime.⁷⁶⁵
238. The testimony of Witness CHHOUK Rin shows that the official decision to purge the East Zone may have been made at the same time when the Party's Annual General Assembly was held in early 1978 at the Olympic Stadium in Phnom Penh. This decision was made in a special meeting at the Military Headquarters near Boeng Trabek in the presence of around 40 (forty) to 50 (fifty) commanders of divisions, regiments including **MEAS Muth**, IENG Phan, SOKH Chhean, THY Ov, THY Pousse, and the witness himself.⁷⁶⁶ The purpose of the meeting was to provide instructions on the purge plan. The decision to purge in the East Zone was made [jointly] by the Standing Committee, with SON Sen acting on the orders of POL Pot and NUON Chea and *Ta Mok*⁷⁶⁷ were also present in the meeting.
239. Witness LONH Dos who worked with SON Sen at the Office of Communication Radio and Logistics of the General Staff was of the view that only POL Pot dared to order the purge in the East Zone.⁷⁶⁸ The witness also asserted that the decision was made and executed, coming under the CPK Central Committee's scrutiny because SON Sen "*most of the time he personally went to report to the Central Committee, and in few cases, he used the secret telephone at the Svay Rieng and Suong frontlines. I understood that the decision to arrest the implicated cadres was not made by him alone; it had to be approved by the Central Committee as well.*"⁷⁶⁹
240. NUON Chea was involved in the East Zone purge right from the beginning. For instance, former Sector 24 Secretary SUOS Nov *alias* Chouk⁷⁷⁰ and CHAN Chakrei *alias* Nov Mean, former cadre of East Zone Division 170,⁷⁷¹ were arrested pursuant to a decision of the Standing Committee.⁷⁷² On 30 April 1977, SEAT Chhe *alias* Tum, former Secretary of Sector 22, was arrested and sent to S-21 Security Centre, and his confession led to a major purge of Sector 22.⁷⁷³
241. From mid-August 1977, based on the confessions, SON Sen, KE Pauk⁷⁷⁴ and S-21 personnel, using regular forces of the Centre, the Central Zone units and former

Southwest Zone troops placed under the Centre command,⁷⁷⁵ increased the pursuit and arrests of those accused of being traitors such as CIA, KGB agents and enemies linked to Vietnam.⁷⁷⁶ They were arrested and sent to S-21 Security Centre⁷⁷⁷ or executed on the spot or put in worksites such as at Kampong Chhnang Airfield worksite⁷⁷⁸ for “tempering.” Duch asserted that as a consequence of the implementation of this policy, 300 (three hundred) combatants from the East Zone, Zone and Sector cadres were sent to S-21 Security Centre for execution.⁷⁷⁹ Many pieces of evidence indicate POL Pot, NUON Chea, *Ta Mok*, IENG Sary, and SON Sen, especially NUON Chea took a role in purges.⁷⁸⁰

242. Purge activities increased, for instance, in April 1978, there was a major purge of the cadres and combatants in the East Zone, Svay Rieng (Sector 23).⁷⁸¹ The numbers of arrests and executions increased from May to June 1978 in the East Zone.⁷⁸² At that time SAO Phim committed suicide to escape arrest.⁷⁸³ Duch also asserted that the purge of the East Zone was carried out in an unprecedented large scale fashion, particularly in June 1978.⁷⁸⁴
243. Concerning the composition of a military meeting in Takeo in mid-1977 in preparation for attacking Vietnam and those who conspired with the Vietnamese in the East Zone, Witness CHHOUK Rin confirmed that all the Southwest Zone military chiefs attended [the meeting], except for **MEAS Muth**, who controlled Division 164, the navy forces in Kampong Som. He was not under the Southwest Zone.⁷⁸⁵
244. After the meeting, the witness and other commanders such as the commander of Division 460, the navy forces from Kampong Som, received the order via telegram to travel to the East Zone in order to arrest and send commanders considered traitorous to Phnom Penh, and their soldiers were to be transferred to work at the Kampong Chhnang Airfield worksite.⁷⁸⁶ Witness CHHOUK Rin also asserted that the forces from Division 164 also participated in the East Zone purge, under the command of SON Sen; it was a military obligation they had to obey.⁷⁸⁷ **MEAS Muth** did not go to the East Zone with CHHOUK Rin.⁷⁸⁸

B. RAK Participation in Purges

245. According to CHHOUK Rin's testimony, the decision to implement the purge within the military ranks was carried out by the Standing Committee, with SON Sen acting on the orders of POL Pot, NUON Chea, and *Ta Mok*.⁷⁸⁹ The same witness stated that whenever a meeting with military commanders was convened under the chairmanship of POL Pot, NUON Chea, *Ta Mok* and SON Sen, orders to purge were also given then.⁷⁹⁰
246. The unit which played a key role in implementing the purge policy was the General Staff, with SON Sen, Commander-in-Chief. The vivid evidence relating to the role of the General Staff in determining purges or smashing in the Central divisions was the 30 March 1976 Central Committee decision,⁷⁹¹ through which the right to smash inside and outside the ranks of the Central army was to be decided by the General Staff.⁷⁹²
247. The General Staff began the implementation of the purge policy under the form of, first, scrutinising biographies, then identifying enemies, and, finally, executing them.⁷⁹³ To implement the purge policy, SON Sen, Chief of the General Staff, worked closely with S-21 Security Centre and all Central divisions.⁷⁹⁴ For the Central divisions, SON Sen ordered that every division use the decision of the Party Third Congress to provide the basis for dealing with enemies, adopting measures against enemies, setting out to do Party work and that a special intervention unit with good recruitment be established. This special unit could only start its operations by order of the General Staff to its division.⁷⁹⁵
248. In addition, the General Staff controlled, monitored, and instructed all the divisions to organise study sessions for a number of newly-recruited cadres⁷⁹⁶ and met regularly with the leaders of the divisions and independent regiments to report and give orders on various matters so that the Party line and policy could be implemented against enemies,⁷⁹⁷ purging "no-good elements."⁷⁹⁸
249. As Chief of the General Staff, SON Sen was the only person who issued orders and instructions to all Central divisions in every meeting with secretaries, deputy secretaries of divisions and independent regiments,⁷⁹⁹ asking them to absolutely and

strictly carry out the purge of internal enemies in each division.⁸⁰⁰ Measures to search for enemies and against those perceived to be no-good elements include: “(...) Concentrate the no-good elements in one location and educate them separately with solid cadres who are responsible for administering them, and in no case allow them to go to the grassroots”⁸⁰¹ or “It is imperative to continue with further political and ideological education, but mere education is not enough: it is imperative to continue further with absolute purges. (...) The imperative measure vis-à-vis the troops is to purge absolutely the no good elements. (...) In purging the army it is imperative to remove absolutely enemy elements. The liberals are to be rounded up and sent to do production as a single unit of organisation. Those who owe things [to the enemy] must be re-educated and concentrated in one place.”⁸⁰²

250. To implement the purge policy effectively, the RAK received orders through the hierarchical command structure reflected in their work communication structure. Generally, reports were collected in divisions and would then be sent to the central command organisation, i.e. the General Staff. In response to the reports received, the General Staff issued commands to divisions, and they were further sent to commanders of lower levels who directly carried them out.
251. Division 164 received commands from SON Sen regarding various issues, including the military and food preparation, namely, “Reserve enough water and rice to be used for one month. [We] must also be [our] own masters in terms of weapons, ammunitions, and medicines. Also get ready with everything to fight by specifying main battles: Tang, Polowai, Pring Islands. Be constantly on guard and strictly investigate enemies. Constantly report [to Angkar] and educate brothers to uphold the spirit of vigilance.”⁸⁰³ “For those in the west who had been arrested in Koh Hawaii, must keep this [issue] secret. And must prepare and ready to attack in case that their troops chase. For the East, must have a good grasp and examination to see what the cause of their fighting in Koh Tral is. Follow up the situation further.”⁸⁰⁴
252. **MEAS Muth** made direct communication with SON Sen, through which **MEAS Muth** received orders from SON Sen on various issues, including enemy situations,⁸⁰⁵ asserting that, “For our standpoint, [we] must absolutely destroy them at any time when they [illegally] entered our maritime as well as land territories. For

example, in Koh Krasar, [we] must have some forces to examine so as to take any measures to destroy them if they had really deployed troops there.”⁸⁰⁶

253. The measures issued by SON Sen indicate the centrality of the Party Centre’s authoritarian power in preparing the purge strategy, based on the policy issued by the Party as well as the agricultural development and army recruitment.

C. MEAS Muth’s Participation in Purges

254. The RAK was responsible for internal security through purges under orders from the CPK.⁸⁰⁷ The decision to smash soldiers in Central divisions was made by the General Staff, with SON Sen serving as the Chief, as stated in the document dated 30 March 1976.⁸⁰⁸ Duch has confirmed his acknowledgement of this decision that empowered 13 (thirteen) individuals to make decisions to smash. MEAS Muth was not listed.⁸⁰⁹
255. Division 164 was one of the 12 (twelve) military units that had a role to carry out operations against external enemies and report directly to the Centre or the General Staff.⁸¹⁰ Dim was MEAS Muth’s deputy, and Sim was in charge of PCF vessels and arrest of Thai and Vietnamese fishermen, who encroached on Cambodian territorial waters, and [they] used to report directly to SON Sen as well.⁸¹¹
256. **MEAS Muth**’s assertion confirms that lower levels had to obey orders.⁸¹² Like other division commanders, in his capacity as the commander of the RAK navy, **MEAS Muth** used to write letters to Office 870, showing his commitment to the Party: “*Vow determination to fashion forces who are a tool absolutely to defend the Party, to defend the state power of the collective workers and peasants, and to defend the socialist Kampuchean motherland by sweeping cleanly away and without half-measures the uncover elements of the enemy, whether the Yuon or other enemies.*”⁸¹³ **MEAS Muth** also vowed to “*be in total unity within the Party.*”⁸¹⁴
257. Military meeting minutes show that as secretary of Division 164 and other secretaries of other divisions, **MEAS Muth** reported to and received orders from SON Sen⁸¹⁵ regarding various matters such as rice production,⁸¹⁶ situations of attacking enemies,⁸¹⁷ arrestees,⁸¹⁸ Thai and Vietnamese boats captured,⁸¹⁹ fighting,⁸²⁰ the purge of one platoon of depot units⁸²¹ and military situations.⁸²²

258. **MEAS Muth** reported to SON Sen that, “*One platoon of depot units of organisation has been purged, but they’re not yet all gone or reliable.*”⁸²³ SON Sen ordered to take further measures such as continuation of re-education, purges, and removal of the platoon that he had already screened, but **MEAS Muth** just continued to purge, not to execute them – those soldiers were placed in the production unit for farming and fishing.⁸²⁴ This document is consistent with the testimony of many witnesses, who noted disappearances of unit chiefs when a purge occurred. However, soldiers of units were not killed – they were removed from divisions⁸²⁵ for mistrust, taken for re-education,⁸²⁶ placed in an agricultural production unit as ordinary people, made to fish and farm,⁸²⁷ or sent to other workplaces,⁸²⁸ whereas good elements were picked to guard warehouses, and such practice occurred everywhere throughout Cambodia between 1975 and 1979.

Section 5. MEAS Muth’s Role and Participation

259. Before describing MEAS Muth’s participation in the alleged crimes, we will describe his personal details.

A. MEAS Muth’s Personal Details

260. **MEAS Muth** *alias* KHE Muth, or Muth⁸²⁹ was born in Pou Village, Srae Samraong Commune, Chum Kiri District, Kampot Province⁸³⁰ in 1938. He is the eldest son-in-law of CHHIT Chhoeun *alias* Ta Mok, [former] Secretary of the Southwest Zone.⁸³¹ His wife’s name is Khom (deceased),⁸³² who was Tram Kak District Chief, Secretary of District 105 until early 1976.⁸³³

261. **MEAS Muth** joined the communist movement in 1970.⁸³⁴ From 1970 to 1973, he served as deputy Secretary of Sector 13 in Takeo Province, the Southwest Zone.⁸³⁵ In 1973, he was appointed as Secretary of Division 3, the Southwest Zone.⁸³⁶

B. Authority and Role in Crimes

262. We will raise the crime sites alleged by the International Co-Prosecutor, and the facts of the crime sites were made available before the conclusion of the judicial investigation only acknowledged by the National Co-Investigating Judge YOU Bunleng and International Co-Investigating Judge Siegfried BLUNK.

1. S-21 Security Centre

263. **MEAS Muth** was charged with taking responsible for the purge in Division 164, through the transfer of soldiers to be executed at S-21 Security Centre, or S-21 Office, and his participation in the purge of General Staff personnel.⁸³⁷

1.1. Establishment of S-21 Security Centre

264. On 15 August 1975, SON Sen called Duch to a meeting at the Phnom Penh train station together with IN Lorn *alias* Nat from RAK Division 703. The purpose of the meeting was to plan the establishment of S-21.⁸³⁸

265. S-21 Security Centre was located in Phnom Penh between streets 113, 320, and 350. It operated at this location until 6 January 1979.⁸³⁹

266. SON Sen appointed IN Lorn *alias* Nat as Chief of S-21 Security Centre and Secretary of S-21 Committee and Duch as Deputy Chief of S-21 Security Centre in charge of the interrogation team.⁸⁴⁰ In March 1976, Nat was transferred to the General Staff, and then his positions fell under Duch. Duch stated that S-21 was only competent for Phnom Penh (besides Prey Sar and Choeung Ek) but it was a unit that was acting under the control of the Standing Committee, which was competent for the whole country.⁸⁴¹

1.2. Function of S-21 Security Centre

267. The specificity of S-21 is that it was run directly by the Central Committee; and all prisoners were sent further to S-21, according to the decisions of the Standing Committee, namely upon the decisions made by POL Pot or NUON Chea.⁸⁴² S-21 Security Centre Chief Duch stated that, *“From the time I was appointed Chairman, my supervisor, Professor Son Sen handed victims over to enter S-21 through me alone, and no S-21 cadres (including myself) had the right to accept victims into S-21 from anyone else.”*⁸⁴³

268. Duch’s testimony shows that because S-21 Security Centre was a unit that was acting under the control of the Standing Committee, which was competent for the whole country. Therefore, the Standing Committee gave Duch orders to arrest [people]

outside Phnom Penh, and Duch further conveyed those orders to Hor who passed them on to HIM Huy.⁸⁴⁴

269. In accordance with the CPK policy to “smash” all enemies, none of the detainees held within the S-21 complex were to be released as they were all due to be executed.⁸⁴⁵ In addition to executing prisoners condemned in advance as enemies or traitors, an overriding purpose of S-21 was to extract confessions from prisoners in order to uncover further networks of possible traitors. As Chief of S-21 Security Centre, Duch stated that, “*the content of the confessions was the most important work of S-21.*”⁸⁴⁶
270. One of the defining characteristics of S-21 within the Santebal security apparatus was that it interrogated and executed high ranking CPK cadres, who were typically detained in the Special Prison.⁸⁴⁷

1.3. Arrests, Detentions, and Executions

271. As shown in the 30 March 1976 Central Committee decision,⁸⁴⁸ the right to smash inside and outside of the Central military ranks was to be decided by the General Staff. Duch stated that, “*The General Staff was referred to the secretary of the General Staff. To be more precise, it was SON Sen. But SON Sen himself sometimes needed POL Pot’s prior approval.*”⁸⁴⁹ The right to smash inside and outside the ranks in the independent sectors was to be decided by the Standing Committee. Duch explained that, “*The word “Standing Committee” refers to the Central Standing Committee laid by POL Pot, so the independent sectors had no right to make their own decisions. It has to be decided by the Standing Committee. (...).*”⁸⁵⁰
272. Duch⁸⁵¹ stated that all the work carried out at S-21 was done under SON Sen’s instructions, who presented himself as the representative of “*Angkar*” (work relating to rice production was under the control of the Military [General] Staff and security work was under *Angkar*’s control). As for arrests, Duch asserted that no arrests could be made at S-21 without SON Sen’s order first, followed by NUON Chea’s.⁸⁵² Duch affirmed that, “*At S-21, it was only me (Duch), Chairman, who could report on Special Branch [Santebal] documents to the Centre Standing Committee.*”⁸⁵³ *At the Centre Standing Committee, only SON Sen and bigger above him NUON Chea were*

*routinely tasked with the duty of supervising S-21 in terms of its Special Branch [Santebal] work.*⁸⁵⁴

273. In addition, other members of the Standing Committee such as *Ta Mok*, SAO *Phim*, IENG *Sary*, and VORN *Vet*, did not have the right to communicate with and give direct orders to S-21 Security Centre, but only SON *Sen* did as he had NUON *Chea* at the higher level, but under POL *Pot*.
274. Before 1977, S-21 Security Centre personnel were responsible for transporting prisoners—receiving them and managing their transport—who had already been arrested by higher levels [and sent] to S-21 Security Centre. S-21 Security Centre personnel went to units to transport prisoners out.⁸⁵⁵ For a simple military case, S-21 Security Centre [personnel] would go and transport prisoners from every security centre of the zones with *Hor*⁸⁵⁶ under *Duch*'s command. Sometimes divisions sent [them] to S-21 as S-21 was not able to transport them from all the zones. *Duch* agreed to *Huy*'s testimony that he had a special travel permit signed by SON *Sen* and that they were tasked to receive prisoners on the Standing Committee's orders, not to arrest them.⁸⁵⁷
275. From 1977, divisions and ministries were responsible for transporting [prisoners] from their units to S-21 Security Centre.⁸⁵⁸ For CPK cadres, they were sent to S-21 by invitations to meet in Phnom Penh issued by Office 870, or NUON *Chea*, or on assignments to other work sites, and they disappeared.⁸⁵⁹ In certain instances, the purge of CPK personnel was carried out as part of a ruse that they would be sent to re-education through Office K-7, the office of messengers of the Centre, before being sent to S-21 Security Centre for execution.⁸⁶⁰ In some other instances, personnel of other ministries who had been arrested were tricked into taking to S-21 Security Centre secretly. For instance, *Ya* was told he was going to a medical examination⁸⁶¹ when taken [to S-21]. As for senior military cadres such as division deputy secretaries and chairmen and deputy chairmen of Sector Military, SON *Sen* or NUON *Chea* were the persons who issued orders to arrest them under the pretext of being called for meeting, and they were not seen returning.⁸⁶² In certain specific cases, the practicalities of the arrest had to be discussed with S-21 Security Centre beforehand.⁸⁶³

276. However, with the special travel permit, S-21 Security Centre personnel themselves⁸⁶⁴ transported Vietnamese prisoners, both civilians and soldiers. But later, [the role of] S-21 Security Centre was only to receive those already arrested, and the respective units transported [them] to S-21 Security Centre, without prior selection.⁸⁶⁵
277. Having received those prisoners' confessions, Duch prepared paperwork and communicated with his higher echelons – the Standing Committee or SON Sen – then he would read the confessions with a view to search for implicated enemy networks,⁸⁶⁶ and SON Sen would issue orders to the division level, who then ordered their subordinates to implement them,⁸⁶⁷ communicating with respective units for assisting in arrests.

1.4. MEAS Muth's Participation in the Purge at S-21 Security Centre

278. As Secretary of Division 164, **MEAS Muth** was charged with participating in the purge of the division under his control, based on his reports of internal enemies,⁸⁶⁸ disappearances⁸⁶⁹ and prisoner lists from S-21 Security Centre.⁸⁷⁰
279. **MEAS Muth** confirmed that “high-level leaders” sent letters to him, requesting him to send 100 people to other places in the country. But he stated that he did not know what happened to them after they left his zone. **MEAS Muth** asserted that, “*I never sent anyone to S-21. People were arrested from my division, but I don't know how many. Duch himself went and arrested them. They had warrants.*”⁸⁷¹
280. **MEAS Muth's** assertion that he did not involve himself in the transfer of the members of Division 164 to S-21 Security Centre is consistent with the testimony of the witness who was former transporter of S-21 Security Centre prisoners, saying that the duty of S-21 Security Centre was to go and arrest people at units. This witness asserted that he used to travel at night with a messenger named Phal, with a warrant issued by Duch to arrest people in Takeo and Kampong Som in 1977-1978.⁸⁷²
281. In this regard, Duch took the view that concerning the authority to arrest and transfer people, **MEAS Muth** had no right to make any decision on arrests of people. For instance, Duch asserted that, “*(...) Brother Mut – original name was MEAS Muth – was the secretary of the independent sector of Kampong Som. He was at the time the*

assistant at the standing committee. He was not yet a full-rights member of the standing committee. As such, he had no right to decide for the arrest of any cadre for imprisonment.”⁸⁷³

282. For direct communication between Division 164 and S-21 Security Centre, Duch also stated that, *“I don’t know about the communication between the two units. S-21 followed the instructions of the General Staff. Before transferring people to S-21, the superior had already decided and told Nat to let us know and arrange. This practice accounted for almost 95 percent.”*⁸⁷⁴ In fact, the Co-Investigating Judges do not find any documents or letters indicating the direct communication between Duch and **MEAS Muth**.
283. Further, annotations on certain confessions and reports⁸⁷⁵ are consistent with Duch’s testimony and former transporter of prisoners to S-21 Security Centre, which shows that **MEAS Muth** could not make his own decision. When someone came under suspicion of being a traitor from his division, **MEAS Muth** had a role in watching that person and would report to his superior, i.e. through SON Sen, seeking *Angkar*’s decisions; without SON Sen’s decisions, **MEAS Muth** could not arrest people from the division.⁸⁷⁶ Sometimes SON Sen also sought approval from *Ta Mok* for arresting Thai and Vietnamese boats encroaching on Cambodian territorial waters,⁸⁷⁷ and from time to time SON Sen sought advice from NUON Chea after having reported to *Ta Mok* before arresting military personnel from Division 164.⁸⁷⁸
284. Concerning arrests of people, in principle, if upper echelons issued orders to arrest and transfer people, failing to obey orders or taking his/her own decision to arrest people would cause them problems such as severe punishments given by POL Pot, for instance, Nat’s case, etc.⁸⁷⁹ From time to time, SON Sen also needed POL Pot’s prior approval before taking a decision. In some instances, SON Sen also sought advice and assistance in taking decisions from division chiefs, like the cases of Nat and Pin. Duch’s testimony shows that no request for advice and decision-making was made for **MEAS Muth**’s case. Duch stated that, *“(…) before making any decisions, SON Sen always asked for comments and assistance from the heads of divisions. Regarding SOU Met and MEAS Muth, there were no documents proving such requests for comments.”*⁸⁸⁰

285. However, as Secretary of Division 164, **MEAS Muth** received notice of arrests. For instance, **MEAS Muth** was notified of the arrested people by his deputy secretary, Dim, on 24 September 1976. In that report Dim wrote: *“The state of things on the land in Riem and Baboh sub-districts after we took the measure against the enemy that you decided is that five of them fled into the forest, were pursued and arrested by us...”*⁸⁸¹ This report was also copied to Brother Nuon, Brother Khiev and Brother Mut.
286. Reports on arrests were raised in military meetings, for example, in the Military Meeting of 164 Comrades on 9 September 1976, it was reported that *“Internal situations: on 25 August, forces coming from Chroy Changvar at Stung Hav had a meeting at which they laid down a desertion plan. The leader was named Vung Sruol, a platoon cadre. Those involved included 40 persons. ... The Division Committee split off the no-goods and had them live separately so that they would not be chaotically with the goods.”*⁸⁸² In this meeting Brother 89, SON Sen, ordered to *“arrest and interrogate Vung Sruol.”*⁸⁸³ This document shows that decisions to smash people were not made immediately; it was necessary to report to upper echelons first and await their orders instead. For instance, SON Sen was the one who ordered **MEAS Muth** to arrest those people for interrogation first. Duch also asserted that in case of large arrests within a single unit after a decision of the Standing Committee, I asked Hor to talk with the person in charge of the unit in order to calm the unit down.⁸⁸⁴
287. For instance, in 1976, 55 (fifty-five) people from Division 164 were sent to S-21 Security Centre.⁸⁸⁵ The list of the prisoners from Division 164 was made by S-21 Security Centre alone.⁸⁸⁶ The list does not mention who arrested Division 164 personnel and sent them to S-21 Security Centre.

2. Wat Enta Nhien Security Centre

288. **MEAS Muth** was charged with being Secretary of Division 164 in the Introductory Submission concerning [his] responsibility for Wat Enta Nhien Security Centre, which was under the control of Division 164.⁸⁸⁷

2.1. Location and Establishment of Wat Enta Nhien Security Centre

289. Wat Enta Nhien Security Centre was a former pagoda located in Kampong Som (now Preah Sihanouk Province).⁸⁸⁸ Based on its history, Wat Enta Nhien was built in 1963.⁸⁸⁹ No documentary evidence indicates exactly when Wat Enta Nhien Security Centre was established.⁸⁹⁰
290. A witness stated that “the second monastery” was used to hold prisoners on the ground floor in 1977.⁸⁹¹ Another witness indicated that “the third monastery” was the place where he found iron bars and blood on the walls in 1979.⁸⁹²

2.2. Structure and Functioning

291. A witness said “the first monastery” was where she/he was staying with the Commander of Battalion 450,⁸⁹³ a unit tasked with guarding Wat Enta Nhien⁸⁹⁴ of which *Ta Norn*⁸⁹⁵ was in charge. Battalion 450⁸⁹⁶ was a unit controlling Wat Enta Nhien and responsible for general security for Division 164.⁸⁹⁷

2.3. Functioning

292. Witnesses confirmed that during the DK regime, this pagoda was used as a security centre.⁸⁹⁸ A witness indicated that Wat Enta Nhien “*was a provisional detention facility for those who were suspected or allegedly charged with various offences.*”⁸⁹⁹ He added that, “*After they found that the persons were guilty, they would send them to Phnom Penh or other places.*”⁹⁰⁰ However, he affirmed that as he was staying there (from August or September 1975) he did not see anyone being detained.⁹⁰¹
293. A witness made a statement regarding Wat Enta Nhien, saying this pagoda appeared not to be a detention facility.⁹⁰² Another witness stated that Wat Enta Nhien had been razed and the site had been used to make fertilizer, and the troops stationed at the Wat were to protect the port and the navy.⁹⁰³

2.4. Arrests, Detentions, and Execution of Prisoners

294. With regard to conditions of prisoners [detention] at Enta Nhien Security Centre, a witness asserted that, “*The shape and face of those prisoners did not look as normal persons, but they were not in the emaciated condition.*”⁹⁰⁴ Another witness stated that he entered the pagoda in April 1979 and saw around 10 (ten) shackles and blood; and

chains were attached to the wall for hanging prisoners. He said prisoners were tortured at the main monastery.⁹⁰⁵

295. A witness stated that, *“At the Wat in August 1979 there were about 50 to 60 sets of shackles in the long monastery that faces east-west on the southern side of the Wat. There were also iron bars and there was blood on the walls. The shackles were bolted to the floor and there was room for about 10 people in each row.”*⁹⁰⁶
296. A witness stated that between 1980 and 1982 around 200 bodies were exhumed from an area around 100 metres south [east] of the Wat.⁹⁰⁷ Another witness, however, believed there were no killings in Wat Enta Nhien,⁹⁰⁸ saying that, *“If there were any killings taking place in that place, they could not keep it secret because many people were living in the surrounding areas.”*⁹⁰⁹ However, until now there is no specific evidence or data confirming those bodies were truly the victims killed at Wat Enta Nhien Security Centre.

2.5. Participation and Authority

297. Battalion 450 was stationed near Stung Hav in 1975 and was tasked with building Stung Hav pier from 1976 to 1978.⁹¹⁰ The Battalion may have come to control Wat Enta Nhien in late April or early May 1975,⁹¹¹ and provided general security services to Division 164.⁹¹² *Ta Norn* was in charge of Security Unit 450.⁹¹³ No documents indicate **MEAS Muth**'s presence during arrests or regular inspections at Wat Enta Nhien.

3. Stung Hav Rock Quarry

298. **MEAS Muth** has been charged in the Introductory Submission with his responsibility for a forced labour site at Stung Hav rock quarry.⁹¹⁴

3.1. Location, Establishment, Time, and Structure

299. The Stung Hav rock quarry and related sites were located in Stung Hav Commune, Kampong Som (now Preah Sihanouk Province).⁹¹⁵ The site was located on the western side of the small Stung Hav peninsular and consisted of at least 3 (three) round shaped quarries dug into the rocks and a camp site of Division 164 soldiers.⁹¹⁶

The rock quarries were close to the marine water pier constructed, which was part of the DK harbour project.⁹¹⁷ The distance from the rock quarries to the Division 164 Main Headquarters in Kampong Som town is around 17.53 kilometres and 2.3 kilometres to a Division 164 Regiment Operations Headquarters at Stung Hav.⁹¹⁸

300. The Stung Hav rock quarry started to function in approximately the 2nd semester of 1975 or the beginning of 1976.⁹¹⁹ Battalion 450 was stationed near Stung Hav⁹²⁰ in 1975 after being transferred from Koh Tang. One witness stated that Battalion 450 was in charge of building the Stung Hav pier from 1976 to 1978.⁹²¹

3.2. Functioning

301. The Stung Hav rock quarry was used at times of demand to produce construction materials for a pier in Stung Hav and to build a road connecting the port of Stung Hav with the Kampong Som oil refinery⁹²² and [the construction] was completed within 6 (six) months⁹²³ in 1976. The work at Stung Hav required that rock material be transported to the shore and placed either by hand or with machines into the water.⁹²⁴
302. The Stung Hav rock quarry was established for both soldiers and civilians under the control of Division 164.⁹²⁵ There were about 100 people working there.⁹²⁶ Most of the workers at Stung Hav rock quarry were soldiers of Division 164, but also people who had bad tendencies, soldiers, workers, fishing group, members of the navy, family members of the soldiers, and members of the former regime,⁹²⁷ and women were made to build the road.⁹²⁸

3.3. Working and Living Conditions

303. Regarding working conditions at Stung Hav, workers were made to carry stones on their shoulders.⁹²⁹ Beside human labour, some machinery and explosives were also used.⁹³⁰
304. After 1975, Chinese experts came to Cambodia to provide financial and technical assistance to the Party cadres.⁹³¹ Chinese advisors taught those from Division 164 to break stones from mountains, including techniques, sizes and shapes.⁹³² The food ration for workers at Stung Hav road project was the same as the military but the work was harder.⁹³³

3.4. MEAS Muth's Participation

305. The Stung Hav rock quarry was under the control of Battalion 450 run by Division 164.⁹³⁴ Although **MEAS Muth** was Secretary of the Division, no specific testimony or evidence indicates his inspections. Furthermore, with regard to the authority to arrest and interrogate, **MEAS Muth** only reported to and received orders from SON Sen, and he conveyed them to Battalion 450 for implementation. For instance, in the meeting held on 9 September 1976, **MEAS Muth** reported that, "*Internal situations: on 25 August, forces coming from Chroy Changvar at Stung Hav had a meeting at which they laid down a desertion plan. ... The Division Committee split off the no-goods and had them live separately so that they would not be chaotically with the goods.*"⁹³⁵ Then Brother 89, SON Sen, ordered to "*arrest and interrogate Vung Sruol.*"⁹³⁶

4. Crimes Committed by the DK Navy on Cambodian Territorial Waters and Islands

306. **MEAS Muth** is criminally charged with arrests or destruction of foreign vessels such as Thai and Vietnamese ones that entered the DK waters.⁹³⁷

4.1. Incidents

307. A list of prisoners at S-21 Security Centre shows that [the S-21] received 10 (ten) Vietnamese from Kampong Som which may have been sent from Division 1 and 2 people from Division 164.⁹³⁸

308. Sim who was claimed to be in charge of the PCF ship and responsible for capturing Thai and Vietnamese boats⁹³⁹ used to report to **MEAS Muth**, Brother 89 and Office 870, on 2 (two) Thai boats caught in the south of Koh Kong and stuff seized, but no arrests were made because some people managed to escape by dropping themselves into the water and some others were killed.⁹⁴⁰

309. The Mayaguez incident occurred in May 1975.⁹⁴¹ Some documents show that the DK forces arrested an unidentified American, and the arrest was kept confidential by order of Division 164 which was responsible for protecting the Cambodia's territorial waters.⁹⁴²

310. Witness CHHOUK Rin asserted that, “*I just know that an American ship named Mayaguez was captured. MEAS Muth knows better.*”⁹⁴³ Some witnesses⁹⁴⁴ stated that although **MEAS Muth** was former Secretary of Division 164 (former Division 3), they did not believe he had “*any detailed information on the battle or the fate of unaccounted-for American forces.*” This witness added that, “*The 3rd Division had no directives concerning the handling of prisoners because they had never captured any Americans during the war.*”⁹⁴⁵
311. Certain documents show that **MEAS Muth** was hospitalised in Phnom Penh from May to July during the Mayaguez incident. He returned to Kampong Som in July or August 1975. He asserted that he had received the information from his wife and Chhan about the capture of the Mayaguez ship and the attack by the Americans after the incident and that he did not know the details.⁹⁴⁶
312. The yacht “Foxy Lady” carried John Dewhirst, British, Kerry Hamill, New Zealander, and Stuart Glass, Canadian, was captured on 13 August 1978.⁹⁴⁷

4.2. Number of Victims

313. **MEAS Muth** used to report to SON Sen on firing at one Vietnamese boat at Koh Kyang, catching one Siamese boat with 21 people at Koh Wai and two Vietnamese boats with 76 people at Koh Tang.⁹⁴⁸
314. **MEAS Muth** also reported to the upper echelons on the capture and execution of 120 Vietnamese and seizure of boats, weapons and exchange of Thai fishermen.⁹⁴⁹

4.3. MEAS Muth’s Authority to Capture Fishing Boats and Kill Fishermen

315. The Navy headquarters communicated directly with the General Staff headquarters in Phnom Penh and with the Southwest Zone under *Ta Mok*’s control.⁹⁵⁰ However, the communication with *Ta Mok* was made only for economic and logistic purposes.⁹⁵¹
316. In some cases, it is found that after receiving reports from **MEAS Muth**, SON Sen sought *Ta Mok*’s prior approval and sent **MEAS Muth** to view the situation and solve issues concerning the Vietnamese and Thai boats which entered the Cambodian waters.⁹⁵²

317. Although there was no announcement of the role and position of *Ta Mok* at that time, *Ta Mok* was known as Commander-in-Chief of the Central Army because he always went to battlefields to command division chiefs.⁹⁵³
318. Concerning arrests, generally, the Pursuit Unit had no authority to arrest people.⁹⁵⁴ A witness who was the former commander of the Pursuit Unit asserted that the main tasks of the Pursuit Unit were to follow instructions of the upper ranks and to wait for their orders to attack whenever needed,⁹⁵⁵ attacking the warships only.⁹⁵⁶ If there was no fighting, the Pursuit Unit was anchoring and waiting for orders to attack whenever the situation required. The witness asserted that, *“Speaking about the order to attack, I did not receive the order from the Division directly (Mut or Dim). The order came directly from the chief of my Pursuit Unit (named Bo).”*⁹⁵⁷ The witness added that, *“Even the places where we should anchor, we must follow an order. The order came from the chief of the Pursuit Unit, not from the Division.”*⁹⁵⁸
319. As for the Thai and Vietnamese fishermen who were arrested and sent to S-21 Security Centre, Duch asserted that only SON Sen had the authority to send [them].⁹⁵⁹ The testimony of a former S-21 Security Centre guard showed that he used to travel with the messenger who had warrants from Duch to arrest both Cambodians and Vietnamese in Kampong Som.⁹⁶⁰ **MEAS Muth** also stated that the messenger who came to pick up the prisoners had warrants.⁹⁶¹
320. Sim was in charge of the PCF ship, arrests of fishermen and reporting to the upper echelons including Brother 89 (SON Sen), Brother Muth, and Office 870. However, witnesses did not know from whom Sim received orders.⁹⁶² The testimony of a former soldier of Division 164⁹⁶³ showed that the secretary of the Division was responsible for everything; however, he did not know about the hierarchical structure of the Division clearly and the authority to order arrests or execution.
321. Certain documents and testimonies show that **MEAS Muth** could not make a decision alone regarding the arrests and execution of the fishermen after they were caught. Any decision-making would require the participation of other members⁹⁶⁴ and the upper echelons’ permission and approval.⁹⁶⁵ For instance, when there was a joint operation, *Ta Soeung*, commander of Division 1, *Ta Rân*, committee of Sector 37 of

the Western Zone and **MEAS Muth** discussed together before reporting to SON Sen concerning the capture of one Thai fishing boat.⁹⁶⁶

322. Having received the reports on the capture of the boats or the killings of the Thai and Vietnamese fishermen,⁹⁶⁷ **MEAS Muth** further reported to Phnom Penh⁹⁶⁸ so as to seek orders and measures from SON Sen,⁹⁶⁹ who then reported to *Angkar*,⁹⁷⁰ and from time to time SON Sen also sought approvals from Mok and Tith.⁹⁷¹ The Chief of the General Staff, SON Sen, conveyed the decisions of the Standing Committee to the division secretaries including **MEAS Muth**, who then conveyed orders for implementation at the lower levels with a view to protecting Cambodian waters.⁹⁷²

5. Conflict with Vietnam

323. As Secretary of Division 164, **MEAS Muth** was charged with leading the armed forces from other divisions to the Northeast Zone to fight with Vietnam in late 1977 to 1978. As a result, Vietnamese armed forces and civilians were arrested and killed and properties were destroyed.⁹⁷³
324. DK and the Socialist Republic of Vietnam officially acknowledged that the international armed conflict between the two countries occurred on 31 December 1977. The statement of the Minister of Foreign Affairs of [Democratic] Kampuchea went public on the severance of the diplomatic relations between the two countries.⁹⁷⁴ Despite such a statement, this armed conflict was considered to have occurred since 1975⁹⁷⁵ and continuously added fuel to the fire⁹⁷⁶ at all levels until the fall of the DK regime.⁹⁷⁷
325. The RAK and the Vietnamese People's Army launched armed attacks in the form of attack and invasion into the DK territory⁹⁷⁸ and the Socialist Republic of Vietnam.⁹⁷⁹ Such invasion and attacks also occurred on various islands in early 1976.⁹⁸⁰
326. The armed conflict was so intense that the Vietnamese troops invaded into the DK territory twice in December 1977 and December 1978. The last invasion prompted DK to file a complaint to the United Nations Security Council on 31 December 1978.⁹⁸¹

327. In late 1977, Ren, *Ta Mok*'s son-in-law, called IENG Phan⁹⁸² and the Southwest Zone Division Chief for a meeting at *Ta Mok*'s house in order to gather the troops for the fight against Vietnam.⁹⁸³ CHHOUK Rin also attended the meeting at *Ta Mok*'s house in 1977, stating in his testimony the preparation for the fight, the presence, and the commands given by Ren/SON Sen.⁹⁸⁴ Former Commander KHUN Kim *alias* Paet attended the commander level meeting in late 1977 at *Ta Mok*'s house, where SON Sen and *Ta Mok* explained manoeuvres to attack Vietnam.⁹⁸⁵ Witness CHHOUK Rin asserted that, "*The fighting was at first sporadic. But later it escalated into war. MEAS Mut might not have been involved in this because he was responsible for the navy. The person who commanded the mission in Svay Rieng was Ta Mok's son-in-law named Ren who is deceased. In SON Sen's absence, Ren was the one to command. I did not meet MEAS Mut.*"⁹⁸⁶
328. A witness stated that in December 1978, the Khmer Rouge navy clashed with and the Vietnamese navy.⁹⁸⁷ He added that many Vietnamese were sent to the Division. He did not know what happened to them after that.⁹⁸⁸ Former transporter of S-21 Security Centre asserted that he used to travel with the messengers Phal and Hor, on Duch's order, to arrest the Vietnamese soldiers who were arrested during the fight in Takeo and Kampong Som, and send them to S-21 Security Centre in 1977-1978.⁹⁸⁹
329. Witness CHHOUK Rin asserted that, "*There were no captures of Thai and Vietnamese boats. The only event in 1976 was the attack by the Vietnamese soldiers on Poulo Wai Island and the arrests of around 600 to 700 Khmer Rouge soldiers.*"⁹⁹⁰

6. Detention Centre 810 (Division 801)

330. Division 801 had 3 (three) regiments:⁹⁹¹ Regiment 81, Regiment 82, and Regiment 83, with leading cadres: KEO Saroeun,⁹⁹² PAV Sam Un,⁹⁹³ UNG Ren,⁹⁹⁴ and DY Thin.⁹⁹⁵ Division 801 had at least five independent battalions⁹⁹⁶ which were not under the three independent regiments of the Division: Independent Battalion 802, a special unit,⁹⁹⁷ Independent Battalion 803, an artillery unit,⁹⁹⁸ Independent Battalion 804, a woman unit,⁹⁹⁹ Independent Battalion 805,¹⁰⁰⁰ a medical unit of the Division, and Independent Battalion 806, a unit responsible for warehouse, logistics and transport.¹⁰⁰¹

6.1. The Scope of Responsibilities

331. Division 801 was created with the combination of the cadres and soldiers of Divisions 11 and 14¹⁰⁰² of the CPK Special Zone existing before 17 April 1979 [1975]. Division 11 was created with half of the forces of the Special Zone stationing south of Phnom Penh and later integrated with Division 14.¹⁰⁰³ Having been integrated into a new division called Division 801, it was sent to Ratanakiri Province during the General Assembly at the Olympic Stadium in Phnom Penh in late 1975,¹⁰⁰⁴ with SAUR Saroeun or SO Saroeun *alias Ta Saroeun* or *Ta 05* as secretary of the division and *Ta San alias Ta 06* as deputy secretary.¹⁰⁰⁵ In July 1977, when San was assigned to Mondulkiri and UNG Ren became deputy secretary of the division.¹⁰⁰⁶
332. Lower-level leading cadres holding regiment ranks included KEO Saroeun,¹⁰⁰⁷ PAV Sam Un *alias Ta Sam Un*,¹⁰⁰⁸ UNG Ren,¹⁰⁰⁹ DY Thin,¹⁰¹⁰ and Son.¹⁰¹¹ In 1974, Division 11 came Phnom Penh through Pochentong Airport¹⁰¹² and was designated Division 801 right after 17 April 1975. At that time, SAUR Saroeun and San went to a General Staff meeting in the vicinity of Phnom Penh railroad station,¹⁰¹³ which was SON Sen's first office in Phnom Penh¹⁰¹⁴ and later became a common meeting hall for the Party senior leaders.¹⁰¹⁵ Since then, this division had three regiments: Regiments 81, 82, and 83.
333. After 1975, Division 801 was sent to be stationed in the Northeast Zone of Ratanakiri Province, perhaps between October and November 1975, staying temporarily in Kratie first before moving to Ratanakiri.¹⁰¹⁶ This division set up its first headquarters in Ban Lung, now Ban Lung District of Ratanakiri Province and later moved to Veun Sai in the same province.¹⁰¹⁷ According to the administrative geography of the CPK, Ban Lung District, after 17 April 1975, was located in Sector 102 of the Northeast Zone.¹⁰¹⁸
334. Division 801 was the only central unit based in Ratanakiri Province.¹⁰¹⁹ The Northeast Zone also had its own soldiers,¹⁰²⁰ and so did certain districts and sectors.¹⁰²¹ Other regiments of Division 801 were deployed in various areas of the Northeast Zone: Regiment 81 was located in Andoung Meas,¹⁰²² Bar Kaev District¹⁰²³ and operated at Ou Ya Dav, Sector 107 along Road 19¹⁰²⁴; Regiment 82 was stationed

- in Siem Pang, Sector 104, near Laotian border,¹⁰²⁵ and Regiment 83 was at Au Dambauk¹⁰²⁶ in the Dragon's Tail, Veun Sai District.¹⁰²⁷
335. In 1976, the Division 801 Headquarters moved to Veun Sai¹⁰²⁸ of Sector 101¹⁰²⁹ and so did the independent battalions under Division 801.¹⁰³⁰ The secretary of the Northeast Zone where Division 801 was located was named MEN San *alias* Ya who was arrested and sent to S-21 Security Centre on 20 September 1976.¹⁰³¹
336. In late 1976 and early 1977,¹⁰³² a security centre was created, known as “O Kanseng Security Centre”¹⁰³³ or “Office 810” or “Au Kunseng Re-education Centre”¹⁰³⁴ or “Re-education School 810” or “Re-education School of Division 801”¹⁰³⁵ or “810 Prison”¹⁰³⁶ or “Military Division Prison.”¹⁰³⁷ This security centre was established in the form of “Re-education and Corrections Office” under Division 801¹⁰³⁸ in Ban Lung.¹⁰³⁹ It was first created in the form of a disciplinary unit right in Ban Lung. In 1977, the Division 801 Headquarters moved to Veun Sai, and so did this security centre,¹⁰⁴⁰ located in Village 06, Labansiek Commune, Ban Lung District, Ratanakiri Province near a creek known as Au Kanseng.¹⁰⁴¹
337. Au Kanseng Security Centre was believed to have been created by Division 801 based on the idea and plan of the CPK Central Committee as a centre for the purpose of re-educating and correcting its own division.¹⁰⁴² During its establishment, it appeared that, having received or followed or coincided with SON Sen's orders, Division 801 frequently and closely communicated security-related issues with other divisions and the grass-roots in the Northeast Zone. On 30 August 1976, Saroeun attended a meeting with the Divisions and Independent Regiments called by SON Sen. In the meeting, Saroeun reported on those who deserted, saying that the last one to desert was caught and interrogated. He complained that the revolution was “strict and difficult.”¹⁰⁴³ SON Sen warned that “the CIA enemy” was finding opportunities to gather up “no-good elements” among the new people and others in order to fight against the revolution and stated that, “*It is imperative to conduct further purges of no-good elements,*” concentrating them in one location and educating them separately.¹⁰⁴⁴

338. In another meeting on 19 September 1976, SON Sen pointed out “*enemy activity inside the country and inside our rank*” and called for a counter-measure that, “[*We*] *must have an absolute stance to screen out counter-revolutionary elements. Do not hesitate.*”¹⁰⁴⁵ On 23 September 1976, SON Sen sent “View Instructing 801” to Saroeun, ordering [him] to take measures against enemies who were conducting liaison activities “*in order to go undercover and bore from within our army and grassroots*” and “*traitors*” who “*were whipping up the people to oppose cooperatives and oppose our line of socialist revolution.*”¹⁰⁴⁶ This evidence suggests that this View Instructing [801] was directed to the division and clearly shows the autonomy, power and influence they had.
339. On 25 November 1976, Saroeun reported to SON Sen about various activities such as enemy serving activities and plan of armed rebellion with external assistance, saying that this information received from the interrogated combatants arrested in Regiment 83. Saroeun also affirmed that, “*Anyone who is suspicious of being an enemy must absolutely be arrested*” and promised “*to cooperate with the base to completely purge the enemy.*” He added that organisational measures were “*to organise a group of force for collaboration with the local community to arrest the enemies,*”¹⁰⁴⁷ and “*to examine the document regarding a person implicated by the enemy and request for a temporary arrest,*” and “*to impose a measure to remove and put into a group for surveillance anyone who travelled freely or repeatedly violated the disciplines after education.*” Finally, he added that, “[*We*] *look forward to receiving the Party’s recommendations.*”¹⁰⁴⁸
340. In a bilateral meeting with the cadres of Division 801 on 16 December 1976, SON Sen asked them again to “*be vigilant among the army and the base people.*”¹⁰⁴⁹ Reports were sent or copied to SON Sen one after the other about enemy activities, arrests, and interrogation of arrestees from various locations in the Northeast Zone: Sectors 101, 102, 104, and 107.¹⁰⁵⁰ In response to those reports, SON Sen ordered [them] to cooperate with the committees of the zones, the sectors, and the districts and to report to *Angkar* about what they had done so far.¹⁰⁵¹

6.2. The Purge in Division 801

341. Since December 1976, there had been discussions, especially between SON Sen and Saroeun and key cadres of Division 801 about purging the cadres of Division 801 and district-level cadres in a political structure of the Northeast Zone. SON Sen further ordered that, *“Internally, the army must be educated and screened to make them clean.”*¹⁰⁵² Saroeun notified SON Sen of the outcome of the interrogation of the district cadres arrested¹⁰⁵³ and assured him that, *“we are in the process of following up the compositions who caused harms to the revolution, both the old and new (people)”* in Division 801, which was allegedly reported that, *“ [...] caused harms to the revolution, these are the oppositions to the (Party’s) line, and the group of those who have been incriminated by the enemy, both the old and new (people).”*¹⁰⁵⁴ Via correspondence in March 1977 with SON Sen, he requested *“the withdrawal of a number of cadres from the unit because those cadres carry out the line mostly in a contradictory manner. The popular masses have no faith in them. Despite being re-educated, they refuse to change. The direction is moving backward.”*¹⁰⁵⁵
342. The chairman of the Au Kansaeng Re-education and Corrections Office, ██████████, recalled that this office *“was created during the situation of the internal enemy movement occurring throughout the country.”*¹⁰⁵⁶ Witness ██████████, deputy chairman of this office, asserted that he was assigned to supervise this office when the situation *“was in turmoil because of the nationwide assessment of the biographies of the military,”*¹⁰⁵⁷ while a former cadre of the division recalled that they said about the purge of enemies burrowing from within.¹⁰⁵⁸
343. Further, the creation of Au Kanseng Security Centre coincided with or occurred after the detention and execution of the Northeast Zone Secretary MAEN San *alias* Ya, who was arrested and sent to S-21 Security Centre on 20 September 1976.¹⁰⁵⁹ MAEN San *alias* Ya was replaced by UM Neng *alias* Vi¹⁰⁶⁰ *alias* Vong¹⁰⁶¹ who then became secretary of the Northeast Zone.¹⁰⁶² In 1977, Division 801 was seriously purged – the cadres of the regiments and battalions were arrested and sent to S-21 Security Centre, and lower-level cadres and ordinary combatants were sent to Au Kanseng Security Centre.
344. The arrests appeared to be linked with the arrest of North Zone Secretary KOY Thuon *alias* Thuch¹⁰⁶³ and with the purge in that zone, which occurred simultaneously.

Prisoners of Au Kanseng Security Centre were combatants of Division 801 from different units. Having been accused of being free elements and not abiding by the army disciplines¹⁰⁶⁴ or criticising the revolution,¹⁰⁶⁵ some were arrested according to its own unit's initiative while some others were arrested because they had been implicated in the "confessions" sent from Phnom Penh.¹⁰⁶⁶ The prisoners were arrested from Regiments 81, 82, and 83, and trucked to Au Kanseng Security Centre at night.¹⁰⁶⁷

6.3. Responsibilities of Those Sent to S-21 Security Centre

345. Many victims who were Division 801 cadres were sent to S-21 Security Centre. For example, LAI Sarim, Chief of Hospital P-801 Office,¹⁰⁶⁸ who led Battalion 805,¹⁰⁶⁹ Medical Unit 805¹⁰⁷⁰ of Division 801 or Hospital 805¹⁰⁷¹ and was arrested and sent to S-21 Security Centre on 3 January 1977.¹⁰⁷² Regiment 81 Commander KEO Saroeun¹⁰⁷³ *alias* Seng, member of Division 801 Committee, was arrested in April or May 1977.¹⁰⁷⁴ Division Assistant POR Sam On was arrested on 12 June 1977.¹⁰⁷⁵ NUON Lauch *alias* Phatt, Secretary of Battalion 802, was arrested on 30 July 1977¹⁰⁷⁶ and IENG Heang *alias* Hean, Commander of Battalion 803, was arrested on 26 June 1977.¹⁰⁷⁷
346. Furthermore, many lower-level cadres were also arrested and sent to S-21 Security Centre. For example, SBAONG Run from the Division Office was sent to S-21 Security Centre on 22 June 1977.¹⁰⁷⁸ Concerning the purge, on 2 June 1977, SON Sen made notes on SAUR Tuon *alias* Mao's "confession" obtained by S-21 Security Centre dated 15 May 1977, ordering Saroeun to remove the names involved in Division 801 and saying that they would meet to figure it out.¹⁰⁷⁹
347. As for "the problem of Comrade Kæv Sareuan [KEO Saroeun]"¹⁰⁸⁰ and the removal of Sam On,¹⁰⁸¹ they were subjected to a decision made by Division 801 and SON Sen before they were arrested. UNG Ren said that when he was a cadre of the General Staff, he was studying in Phnom Penh with SOU Saroeun; a telegram was sent in, indicating that KEO Saroeun committed the moral offence with a military female cadre. When he returned to the Northeast Zone, he was arrested.¹⁰⁸² UNG Ren asserted that when he arrived in the Northeast Zone, he was appointed as deputy

secretary of Division 801 in charge of supervising the army. He was stationed in Ban Lung/Boeng Kanseng.¹⁰⁸³

348. From December 1976, Saroeun began reporting the arrests of the “*Yuon*” made by various units of Division 801,¹⁰⁸⁴ and the secretary of the Northeast Zone, UM Neng *alias* Vi, also reported the arrests made by the division.¹⁰⁸⁵ In the telegram dated 15 June 1977 addressed to “Respected Brother,” the secretary of the Northeast Zone, UM Neng *alias* Vi, reported that, “[...] arrested 209 Vietnamese [*Yuon*] soldiers, including 9 women, in the vicinity of O Laak, 4 km south of Road 19. Almost all of them are Jarai who speak Khmer with an ethnic accent.” They said that they were ordinary people who came to defect to Cambodia; however, they were assessed as “external enemies burrowing from within.”¹⁰⁸⁶ The telegram also wrote that, “*Angkar*’s comments [instructions] are requested” and “a higher-level decision” is immediately requested for those enemies.”¹⁰⁸⁷
349. In the absence of the *Angkar*’s response, this report concerned Jarai prisoners of a single group who were arrested at Au Ya Dav and executed on SO Saroeun’s orders,¹⁰⁸⁸ using the forces of the Sector Security Centre plus Artillery Unit 803¹⁰⁸⁹ and the personnel of Au Kanseng Security Centre.¹⁰⁹⁰ Another group of the Vietnamese prisoners were arrested in late 1978 at Au Ya Dav and executed at Au Kanseng Security Centre on SO Saroeun’s orders.¹⁰⁹¹ More than 100 (one hundred) Jarai prisoners, 5 (five) or 6 (six) of them were women, were sent to Au Kanseng Security Office as they were charged with being former Thieu-Ky soldiers (former soldiers of the Government of South Vietnam).¹⁰⁹²
350. The killings in 1978 were carried out after additional purges in the Northeast Zone. Later the secretary of the Northeast Zone, UM Neng *alias* Vi,¹⁰⁹³ *alias* Vong,¹⁰⁹⁴ committed suicide for fear of being arrested in mid-1978. He was then replaced for a while by Party Deputy Secretary NUON Chea, who became secretary of the Northeast Zone.¹⁰⁹⁵ At a later stage, SO Saroeun became secretary of the Northeast Zone until the end of the DK regime¹⁰⁹⁶ with KHOEM Kheng, chairman of the Northeast Zone Division.¹⁰⁹⁷

351. Based on the study of the structure and role of Division 801, the Co-Investigating Judges do not find legal and factual relationships between Division 801 and **MEAS Muth**.

7. RAK Security Centres and Other Execution Sites

352. Based on the evidence in the case file, no evidence, from a legal perspective and **MEAS Muth**'s de facto [authority] over RAK security centres and other execution sites, shows his role and participation in the abovementioned crimes. In addition, in this regard, it is unclear whether the Office of the Co-Prosecutors intended to seize the Office of Co-Investigating Judges with investigations into the security centres of all RAK divisions since the Introductory Submission does not mention any other divisions, or the Office of the Co-Prosecutors simply expressed a belief without intending to seize the Office of Co-Investigating Judges with additional investigations into security centres of divisions not mentioned in the Introductory Submission. These facts are, therefore, not linked to **MEAS Muth**.¹⁰⁹⁸
353. In response to this request, the International Co-Investigating Judge confirmed that the Office of the Co-Prosecutors did not intend to seize the Co-Investigating Judges with investigations into the security centres of all RAK divisions or other crime sites.¹⁰⁹⁹

Chapter 4. Evidentiary Considerations

354. The vast majority of evidence used in Case 003, with high reliability presumption includes:
- Written Records of Witness Interview of the Office of Co-Investigating Judges during the investigations conducted with the ECCC procedural due process.
 - Transcripts of the trial proceedings obtained from other ECCC case files and included in Case File 003, as relevant to the charges.
355. Interviews, excerpts of press articles or history books and other evidence collected without judicial review or by any institution not under the jurisdiction of the

Extraordinary Chambers in the Courts of Cambodia have lower probative values than the documents mentioned above.

356. The interviews by the Office of the Co-Prosecutors during the preliminary investigation, specifically prepared for criminal proceedings, though, were conducted without taking an oath of loyalty and prepared by parties benefiting from the case.
357. With regard to the confessions, pursuant to Article 15 of the Convention against Torture, it is absolutely prohibited to rely on any statement obtained through torture¹¹⁰⁰ and to use such confessions for cross-examining witnesses.¹¹⁰¹ The confessions of the prisoners detained at S-21 Security Centre were presumed to be extracted through torture. This is a rebuttable presumption.¹¹⁰² However, the statement contained in the confessions at S-21 Security Centre provided by non-victims of torture, for instance, torturers' annotations, is not prohibited.¹¹⁰³
358. Article 15 does not prohibit the use of statement in confessions made as a result of torture during the DK regime in order to search for witnesses and listen to their interviews.¹¹⁰⁴ Therefore, there is no prohibition of the use of witness evidence in torture-tainted confessions such as the confessions at S-21 Security Centre and the interviews conducted by the Office of the Co-Investigating Judges.¹¹⁰⁵
359. Concerning the evidentiary documents in the case file, it is generally noted that given the fact that Co-Investigating Judges YOU Bunleng and Siegfried BLUNK were of the view that the judicial investigation was complete through the interviews of key witnesses and the transfer of more than 2,000 (two thousand) documents or 48,000 (forty-eight thousand) pages evidence from Case 002, the two Co-Investigating Judges concluded their investigation on 29 April 2011.¹¹⁰⁶ Sticking to this principle, the National Co-Investigating Judge maintains his position and exercises his discretion to consider only those evidence included [in the case file] before the date of the conclusion of the judicial investigation gathered by the two Co-Investigating Judges.

Chapter 5. Criteria for Personal Jurisdiction

360. There is no specific criterion for considering whether a person falls under the personal jurisdiction of the ECCC. The consideration and the factors in consideration include the role and level of participation of the Charged Person and the context of the creation of the Extraordinary Chambers in the Courts of Cambodia, [and] the intention of the law drafters and some other theories of crimes.

Section 1. Law and Jurisprudence on Personal Jurisdiction

361. Pursuant to Article 1 of the Extraordinary Chambers in the Courts of Cambodia Agreement signed on 6 June 2003 (“the ECCC Agreement”) provides that, “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 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.”¹¹⁰⁷
362. Article 1 of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia promulgated on 27 October 2004 on the basis of the ECCC Agreement¹¹⁰⁸ which states that, “The purpose of this law is to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodia 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.”¹¹⁰⁹
363. Article 2 new of the ECCC Law states that, “Extraordinary Chambers shall be established in the existing court structure, namely the trial court and the supreme court to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, 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.” Senior leaders of Democratic Kampuchea and those who were most responsible for the above acts are hereinafter designated as “Suspects.”¹¹¹⁰

364. The Supreme Court Chamber has, in Case [001] against Duch, 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. The criteria are thus cumulative, not disjunctive.¹¹¹¹ However, classifying the criteria as “senior leaders” and “those most responsible” is the form of the discretionary power of prosecutions of the Co-prosecutors and independent investigations of the Co-Investigating Judges.
365. Senior leaders refer to senior officials who participated in the making of policies, their implementation and monitoring.¹¹¹² According to the discussion documents for the establishment of the Extraordinary Chambers in the Court of Cambodia, senior leaders refer to members of the DK Standing and Central Committees. There are 2 (two) main elements in determining a person to be most responsible: (1) the gravity of the crimes charged and (2) the level of responsibility of the charged persons.¹¹¹³
366. When assessing the first element, the Referral Bench of the International Criminal Tribunal for former Yugoslavia relied on factors such as (1) the number of victims, (2) the geographic and temporal scope and manner in which they were allegedly committed, as well as (3) the number of separate incidents.¹¹¹⁴
367. To assess the second element, the International Criminal Tribunal for former Yugoslavia has evaluated it on the basis of considerations such as (a) the level of participation in the crimes, (b) the hierarchical rank or position of the accused, including (c) the number of subordinates and hierarchical echelons above him or her, and the permanence of his position.¹¹¹⁵ The Pre-Trial Chamber of the International Criminal Court has evaluated similar factors.¹¹¹⁶
368. Senior leaders who did not actively participate in criminal activities of the DK regime may fall outside the jurisdiction of the Court as they are those who were not most responsible. However, anyone in lower ranks may be regarded as those who were most responsible, depending on their personal participation in brutal acts. The scope of one person’s direct acts and the effective authority of those acts are the areas for

proper consideration. Therefore, the consideration of the personal jurisdiction does not differ from the consideration given when a sentence is imposed.

369. To determine who is among those “most responsible” is not only to focus on his/her formal and effective hierarchical authority, but also the level of their participation in the policy-making and/or policy implementation.
370. In Case 001, the Trial Chamber found that Duch was one of the most responsible person regarding the S-21 Security Centre. The Trial Chamber stated that:

“The judicial investigation demonstrated that, while DUCH was not a senior leader of Democratic Kampuchea, he may be considered in the category of most responsible for crimes and serious violations committed between 17 April 1975 and 6 January 1979, due both to his formal and effective hierarchical authority and his personal participation as Deputy Secretary then Secretary of S21, a security centre which was directly controlled by the Central Committee.”¹¹¹⁷

371. Duch was Chairman of the S-21 Security Centre under the direct control of the Party Standing Committee,¹¹¹⁸ in charge of detention, execution of cadres and Khmer Rouge leaders who were arrested from all zones across the country.¹¹¹⁹ In order to implement the Party policies, more than 12,000 people were tortured, killed¹¹²⁰ directly and indirectly under Duch’s powerful and effective leadership. Duch worked in the S-21 Security Centre with the senior leaders of Democratic Kampuchea such as NUON Chea and SON Sen.¹¹²¹ Duch managed confessions, annotated them,¹¹²² and requested his superiors for arresting suspects¹¹²³ who were implicated in the confessions.¹¹²⁴ Duch facilitated arrests, organised, instructed [interrogators] to interrogate, monitored interrogation and executed prisoners.¹¹²⁵
372. In addition, S-21 Security Centre was a very important security centre of Democratic Kampuchea, considered as an organ of the CPK, reporting to the very highest levels of the CPK leadership, carrying out nation-wide operations, and receiving high-level cadres and prominent detainees sent from almost everywhere in the country to S-21 Security Centre during the DK regime.¹¹²⁶

373. Based on the facts and the content of the abovementioned excerpts, the main criterion for determining that Duch is among those who were most responsible focuses mainly on [his] direct participation, authority, and power of decision-making and management.
374. The number of victims shows the consequences of Duch's direct and practical action. Duch directly, effectively, and fully implemented the upper echelons' orders to interrogate senior cadres of the Democratic Kampuchea regime, civilians and military forces so as to uncover networks of enemies for arrests, torture and execution, one after another. Duch did not take any action to prevent offences although he might have had the authority to reduce killings, for example provision of sufficient food to the S-21 Security Centre.¹¹²⁷ This shows that Duch had the power to cause deaths and direct execution.

Section 2. The Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia

375. The Supreme Court Chamber explicitly acknowledged the unique position of the Extraordinary Chambers in the Courts of Cambodia as compared, for example, to that of the ICTY by stating: "(...) The Extraordinary Chambers in the Courts of Cambodia exists within the Cambodian legal system in which it exercises exclusive jurisdiction and no referral to another court is possible."¹¹²⁸ The Pre-Trial Chamber's decision demonstrates the Royal Government of Cambodia's option to delegate its jurisdiction to the Extraordinary Chambers in the Courts of Cambodia rather than using its pre-existing court structure.¹¹²⁹
376. In sum, we find that the Extraordinary Chambers in the Courts of Cambodia excludes any personal or subject-matter jurisdiction by the ordinary Cambodian courts over the events under the ECCC's temporal jurisdiction.¹¹³⁰

Section 3. Narrow Interpretation and the Principle of "*in dubio pro reo*"

377. The principle of "*in dubio pro reo*" and the narrow interpretation of the Penal Code recognised by the Constitution,¹¹³¹ the systems of the Cambodian Criminal Code¹¹³² and the International Criminal Court¹¹³³ are the principles among other factors considered to exercise our discretion.

378. This is true, which is undeniable that because of the pressure exerted by the public's expectations, and the media, on the grounds of concerns around the concept of impunity for mass atrocities, political agendas as well as previous historical research into the underlying events, frequently, in scenarios of this kind, the guilt of the suspects, charged persons, and accused often seems beyond debate *ab initio* and the judicial proceedings are not infrequently expected simply to attach the seal of official approval and confirmation to the pre-existing general view of history.¹¹³⁴
379. Mr Robert H. Jackson spoke 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."¹¹³⁵
380. The Extraordinary Chambers in the Courts of Cambodia is quite clearly 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 occurred during the DK, namely those which fall under its own jurisdiction.¹¹³⁶
381. 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 society against the desire for some form of judicial closure, national reconciliation, pursuing the truth and justice for the victims, their families and society as a whole.¹¹³⁷
382. While no offender claim that they are being treated unfairly because many others are not prosecuted despite the commission of the same offences, as long as they themselves receive a fair trial, selective prosecution in an already selective jurisdiction may present wider issues of moral fairness.¹¹³⁸ Therefore, a rigorous evaluation of the evidence against those few who are being investigated is required.¹¹³⁹

383. It is undoubtedly difficult from the point of view of general criminal policy for the public and the victims to accept the possibility of granting a pardon to the soldiers who directly committed brutal offences during the Khmer Rouge regime¹¹⁴⁰
384. 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* negotiated impunity for virtually the entirety of the former Khmer Rouge will appear unpalatable and indeed unfair to many. However, on the one hand the informed political decision of the drafters must be respected by the judges of the Extraordinary Chambers in the Courts of Cambodia 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 Office of the Co-Prosecutors.¹¹⁴¹ If at all, any such presumption must operate the other way.
385. The fact 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,¹¹⁴² is not something which can ever be laid at the feet of the defence in criminal investigations or give rise to a lesser standard of proof for indictment or conviction. The defence are entitled to a dispassionate evaluation of the evidence and interpretation of the law at all levels of the ECCC's judicial hierarchy, beginning with the Office of the Co-Investigating Judges.¹¹⁴³

Section 4. The Context of the Democratic Kampuchea Regime and the System of Decision-making

386. In the Democratic Kampuchea regime, despite regular meetings held, decision-making in the Khmer Rouge hierarchy was not a formal democratic process leading free expression and equality of discussion. Decisions were made at the top and then implemented by the lower levels without taking into account consequences or

outcomes of implementing those orders – the consequences would be severe, including torturing or executing entire families if the orders were not adhered to.¹¹⁴⁴

387. Cadres at lower levels were tasked to disseminate policies and/or implement orders only and were not given the possibility for exploring, while implementing those policies, in detail. Whether someone developed their own initiative in these circumstances is not in and of itself a criterion that would elevate them into the category of those most responsible. The fact remains that at all time the ultimate definition of the content of policies and the means of their implementation rested with the top echelons who could interfere at will.¹¹⁴⁵
388. 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 exchange of tactical and operational information on the levels below the top leadership. Indeed, in the Democratic Kampuchea regime, a system of reporting and self-criticism of others, close friends, and even family members was developed to show their loyalties towards *Angkar*, which created an unsafe environment for each other among all classes due to personal safety concerns.¹¹⁴⁶
389. The facts related to the Democratic Kampuchea regime as shown above and in paragraphs 77, 93, and 101-103, are objective, publicly known, without evidence to be suggested. It is a special form of political leadership that none of the other countries could do.

Section 5. The Intent of the Extraordinary Chambers in the Courts of Cambodia Law Drafters

390. After the liberation on 7 January 1979, although the judicial system in Cambodia was not operational, being willing to pursue the truth and justice for the victims, the Royal Government of Cambodia established an official court to try Khmer Rouge leaders. Law Decree (Kret Chbab) No. 1 dated 15 July 1979 states that the jurisdiction is “to try the POL Pot, IENG Sary for the crime of genocide.”¹¹⁴⁷ The leaders including IENG Sary and POL Pot were convicted in absentia on the crime of genocide and other crimes in August 1979.¹¹⁴⁸

391. In 1994, after the 1993 general election, former cadres of the DK regime did not participate [in the election] and continued to wage civil war. For the main purpose of national reconciliation, ending war and keeping the peace, the Royal Government adopted a law to outlaw the Democratic Kampuchea group.¹¹⁴⁹ The law grants a stay of six months after coming into effect to those cadres who return to live under the control of the Royal Government. However, the stay does not apply to leaders of the Democratic Kampuchea group, and the condoned offences are only stipulated in the national law. Article 6 of the Law clearly states that, “*For leaders of the Democratic Kampuchea group, the stay described in this law does not apply.*”¹¹⁵⁰ This indicates the intention of the Royal Government to pursue national reconciliation and at the same time pave the way for finding justice for the victims through the non-applicability of stay for leaders of the Democratic Kampuchea regime who could become a narrow target for a court which may be established in the future. Those who were the targets were the infamous senior leaders including IENG Sary, KHIEU Samphan and POL Pot.
392. In September 1996 in pursuit of peace, the King of the Kingdom of Cambodia issued a Royal Decree pardoning IENG Sary for the death sentence imposed by the 1979 default judgment and for the offences provided for in the 1994 Law to outlaw the Democratic Kampuchea group.¹¹⁵¹ The political will for the purpose of national reconciliation and ending war led to the end of armed conflict in 1998 and the Royal Government’s “win-win policy” led to the reintegration of Khmer Rouge soldiers in the Royal Armed Forces with the assurance that their property rights, ways of life and occupations are protected.
393. In 1997, the Royal Government of Cambodia contacted the United Nations for the purpose of establishing a tribunal to try those who were responsible for crimes committed during the Democratic Kampuchea regime.¹¹⁵² The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea was adopted in 2001 before an agreement between the Royal Government of Cambodia and the United Nations to prosecute under Cambodian law crimes that were committed during the period of Democratic Kampuchea was reached in June 2003. It

took almost 10 (ten) years from 1997 for the ECCC to become fully operational in 2006 after the Internal Rules come into effect.

394. The negotiations of the agreement were conducted meticulously to ensure national reconciliation and finding justice as it went through hotly contested discussions on its content, in particular, on jurisdictional issues reflecting the ownership and integrity of Cambodia. Certain provisions which may contain constitutional uncertainties including capital punishment, time limit for prosecution and retroactivity of the law were submitted to the Constitutional Council of the Kingdom of Cambodia for examination. The Constitutional Council found that all Articles of the ECCC Law are compatible with the Constitution, except for Article 3 which refers to the 1956 Penal Code that carries capital punishment and thus is unconstitutional.¹¹⁵³ As a result, there is no capital punishment for those crimes; otherwise it will contradict Article 38 of the 1993 Constitution of the Kingdom of Cambodia which abolishes capital punishment.
395. At the initial stage of the negotiation on the ECCC Agreement, the word “**Leaders**” was used, but later added with “Senior” to select only a very limited number of leaders who could fall under the jurisdiction of the ECCC. These refer merely to members of the Central Committee of the CPK and the Party Standing Committee. Even though there was no name list of those people, the working group was likely to refer specifically to top leaders such as POL Pot, NUON Chea, KHIEU Samphan, SON Sen, IENG Sary, KE Pauk, IENG Thirith, VANN Rith, and *Ta Mok*¹¹⁵⁴ who were all members of the Standing Committee and/or the Central Committee of the CPK.¹¹⁵⁵
396. During the negotiations, KAING Guek-Eav *alias* Duch, former Chief of S-21 Security Centre, was found alive and later detained in the military court facility.¹¹⁵⁶ The phrase “**those who were responsible**” was therefore incorporated into Article 2 of the ECCC Law. After rigorous discussions, both the United Nations and the Royal Government of Cambodia agreed to add the word “most” to “those who were responsible” forming the complete phrase “**those who were most responsible.**” Both sides seemed to take a similar view with respect to senior leaders who fell under the personal jurisdiction of the ECCC and Duch who was one of the cadres who were

most responsible. Overall, it can be said that the phrase “**those who were most responsible**” was specifically included in reference to former S-21 Chief KAING Guek-Eav *alias* Duch. This means that had former S-21 Chief not been found alive, the phrase would not exist in the ECCC law.

397. The inclusion of Duch means that those who were most responsible played a key role in committing crimes, proximate to the commission, under their autonomy and de facto authority. While both categories of persons are considered to fall under the jurisdiction of the ECCC, both “**senior**” and “**most responsible**” reflect that only a limited number of leaders may fall under the jurisdiction of the ECCC.
398. The issue of narrow jurisdiction was raised by the representative of the Royal Government of Cambodia during a National Assembly session to debate and pass the draft Law on the Establishment of the ECCC, on the specific ground that the number of targeted persons must be limited and restricted to only senior leaders.¹¹⁵⁷ This stance was subsequently repeated.¹¹⁵⁸
399. The ECCC Law provides that voting is required for decisions to be made by the Pre-Trial Chamber, Trial Chamber and Supreme Court Chamber as well as those of the investigative bodies including the Office of the Co-Prosecutors and the Office of the Co-Investigating Judges where officials in each section shall work together. Any decision made in these sections absolutely requires participation from the Cambodian side. At the Trial Chamber, it requires the affirmative vote of at least 4 (four) out of 5 (five) judges while at the Supreme Court Chamber, it requires at least 5 (five) out of 7 (seven) judges and at the Pre-Trial Chamber, it requires the affirmative vote of at least 4 (four) out of 5 (five) judges.¹¹⁵⁹ This shows the structure of the Chambers in which the number of national judges is greater, which is different from other international tribunals, hence reflecting its name “Extraordinary Chambers in the Courts of Cambodia.”¹¹⁶⁰
400. A provision requires a work-together in the form of “**Co-.**” Not only does this mechanism provide an indirect sense of ownership, it also leaves room for disagreement between national and international judges concerning the proceedings, and solutions can be sought with appeals to the Pre-Trial Chamber. Based on the

negotiation documents for the agreement, the issue of disagreement was actively debated and a solution mechanism via the Pre-Trial Chamber was adopted with the agreement as proposed by the national side that the national judges shall have a majority vote in each chamber where previously it was proposed that the international judges shall have the majority.¹¹⁶¹ This shows the intention of the national side to be the legislature. In general, the procedural system for decisions made by the Co-Prosecutors, the Co-Investigating Judges and the Chamber Judges provides an undeniable argument on the narrow jurisdiction in order to ensure national reconciliation and peace which is the main purpose of establishing the ECCC. The procedural system highlights its feature distinct from other tribunals.

401. Finally, regarding the issue of any amnesty or pardon, the two sides agreed to include Article 40 new which vests the power in the Extraordinary Chambers to decide on any amnesty or pardon that may have been granted. This Article shows respect for the judiciary and may also indicate an intention not to let any suspects who are senior leaders such as IENG Sary get away with their responsibility. In addition, within its context, the prosecution of these senior leaders shall not extend to low-level cadres besides Duch whose name had already been considered by the legislature.
402. In March 1999, during the course of negotiation for the establishment of the ECCC, CHHIT Choeun or UNG Choeun *alias Ta Mok* was arrested in March 1999 on charges of committing criminal offence (genocide) in his position as a Democratic Kampuchea leader¹¹⁶² and Duch, *former S-21 Chief*, was arrested in May 1999 on charges of acting against the national security and committing crimes against humanity pursuant to the 2001 ECCC Law.¹¹⁶³ In 2003, some former Khmer Rouge cadres including CHHOUK Rin was prosecuted by the national court on charges of terrorism for the execution of foreigners. The prosecution was held according to the national law and only for cadres who committed offences after 6 January 1979. This does not indicate an intention to deviate from a few targeted senior leaders who must be responsible for international crimes committed during the DK regime.
403. During the preparation of the negotiation on the ECCC Agreement, the Royal Government and the United Nations had a precise stance and commitment to emphasising and prioritising peace and national reconciliation as well as expressing

concerns about possible insecurity resulting from prosecution during the proceedings of the ECCC that could affect the hard-attained national reconciliation.¹¹⁶⁴

404. The United Nations passed a resolution on 27 February 2003, recognising the legitimate concern of the Royal Government and the people of Cambodia in the pursuit of justice that could impact stability, national reconciliation and peace.¹¹⁶⁵ On balance, the two purposes of “justice” and “national reconciliation” were therefore agreed upon and included in the Agreement.¹¹⁶⁶ The concern about justice and national reconciliation is shown in the preamble of the ECCC Agreement. Likewise, this sentence is also stated in the ECCC Internal Rules.
405. In this regard, the purpose of the ECCC and the intention of the ECCC Agreement drafters were precise that the number of the persons who fall under the jurisdiction of the ECCC is limited, referring only to powerful senior leaders and those who were most responsible for participating actively in the commission of crimes or proximate to the commission through their de facto power and influence beyond their official authority.
406. Those targeted persons include NUON Chea, IENG Sary, KHIEU Samphan, IENG Thirith, Duch, and *Ta Mok*. *Ta Mok* who was a senior leader died in 2006; he was YIM Tith’s supervisor. Central Zone Former Secretary KE Pauk who died on 15 February 2002 was AO An’s supervisor. SON Sen who was **MEAS Muth**’s supervisor passed away on 10 June 1997, and POL Pol passed away on 15 April 1998.
407. In conclusion, after reviewing the history of searching for justice before establishing the ECCC, the positions of the parties during the course of drafting the ECCC Law and Agreement, the narrow interpretation of the criminal law, the selective jurisdiction, the actual meaning of the ECCC Law and the position of parties, in particular, the national side before the establishment of the ECCC where it focused on national reconciliation and searching for justice, it requires the need to make a balance by concentrating on few senior leaders as narrow targets. The representative of the Royal Government showed such a position during the National Assembly debate on the legislation.¹¹⁶⁷ The National and International Co-Investigating Judges

previously confirmed their respect for the spirit of the negotiating parties for the establishment of the ECCC.¹¹⁶⁸

Chapter 6. Reasoning and Conclusion

408. As stated above, the National Co-Investigating Judge will give reasons before concluding the personal jurisdiction in Case 003. We will consider **MEAS Muth's** roles and participation, relying upon the evidence filed in the case file before 29 April 2011.

MEAS Muth's Roles in and Authority over Decision Making and Implementation in Democratic Kampuchea

409. The Democratic Kampuchea regime between 1975 and 1979 intended to build its society into socialism. To achieve this objective, the regime expelled people to rural areas so that they could engage in agriculture, a major sector for the functioning of the regime.

410. The DK regime had explicit higher and lower administrative structures, which was to decide and manage the work collectively. Among the top institutions were the Party Central Committee having over 30 (thirty) members – the highest [CPK] body for carrying out important affairs of the country, and the Standing Committee having 7 (seven) members including POL Pot, NUON Chea, SAO Phim, *Ta Mok*, IENG Sary, VORN Vet and SON Sen. However, the highest power and the authority over decision-making rested on the Standing Committee, which oversaw all policies, including internal and external security, agriculture, health and social work.

411. Before 1975, the Party required the population to live collectively in their liberated zones, collected produce and private property, determined food ration, agricultural produce, work, clothing, speech, travel, and abolished markets, money and private ownership.

412. The Party forced the population to produce 3 (three) tons of rice per hectare, and most of the produce were handed over to the Party for exporting abroad in exchange for weapons. Cadres did not have the power to intervene to defuse this difficult situation because this was the Party policy that had to be absolutely obeyed.

413. To achieve its goal, the DK regime had carried out the purge policy inside and outside the Party [ranks] before 1975 in order to destroy the previous structures, feudalism, capitalism, religions and races. The regime created a total of 195 (one hundred and ninety-five) security centres and execution sites (paragraph 97) throughout the country (paragraph 97) for tempering, educating or torturing in order to find out traitorous networks and kill whole families.
414. The DK regime had a civilian administrative structure which was divided into zones, sectors, districts, and co-operatives through which work was carried out vertically from the Centre down to local levels. Policies were widely disseminated in meetings at zones, sectors, districts, and co-operatives and forwarded to lower levels according to leadership hierarchies.
415. The army was divided into zone and central divisions. SON Sen, a member of the Military Committee and Chief of the General Staff, affirmed that the Party army had to be loyal to the Party, to participate in suppressing enemies and defending the territories. He strictly ordered to uproot and destroy no-good elements within the army – an order requiring all divisions to comply with (paragraphs 230, 247 and 249).
416. **MEAS Muth** was Secretary of Division 164. The Division had 4 (four) regiments among which Regiment 140 was responsible for naval operations on the islands in Kampong Som only (paragraph 191). Each regiment had its own commander (paragraphs 193-196). **MEAS Muth** was Secretary in charge of political affairs (paragraph 182), focusing mainly on dissemination of Party policies. He had 2 (two) deputy secretaries, one responsible for military affairs (paragraph 190). According to evidence, these deputy secretaries also had direct contact with SON Sen (paragraph 285). Testimonies of key witnesses show that Division 1 of the West Zone was tasked with watching the territorial waters in Koh Kong province (paragraph 219).
417. Division 164 was partly tasked with watching the territorial waters, which was a matter of the DK sovereignty. For this reason, the Standing Committee considered Division 164 a Central Division under its direct control (paragraph 173). Division 164 was one of the 12 (twelve) Central Divisions. According to hierarchies, Division 164

was under the General Staff and Military Committee on which SON Sen, *Ta Mok*, NUON Chea and POL Pot were its chiefs (paragraph 153).

418. **MEAS Muth** was the 4th assistant of the Central Committee, but he did not have the power to participate in decision-making within the Committee (paragraph 110). Also, he was not a member of the Standing Committee. If it were true as a few witnesses claimed that he was Deputy Chief of the General Staff, it would have been likely that he held the position for about a month in a chaotic situation before the collapse of the DK regime in 1979 (paragraph 163). Moreover, **MEAS Muth** was not one of the 13 (thirteen) individuals who had the right to order arrests and executions (paragraph 169).
419. **MEAS Muth** was under around 50 (fifty) cadres and held the same positions as many other cadres, including zone and division secretaries. These positions included (1) seven full-rights members of the Party Standing Committee, (2) two alternate members of the Standing Committee (paragraph 71), (3) over thirty full-rights and candidate members of the Party Central Committee (paragraph 109), (4) six [members of] the Military Committee of the Central Committee (paragraph 153), (5) [for] the General Staff there were SON Sen, his deputy and members (paragraph 159).
420. Cadres of all levels had to follow Party policies while building a communist regime through the dissemination of policies and facilitation of arrests and transfer of prisoners as ordered by upper echelons. Those who did not follow or criticised these policies were accused of being traitors and smashed. Having proposed using money and opening markets, which went against the decision made by POL Pot, NUON Chea and *Ta Mok* (paragraphs 98, 99), HOU Yun was arrested and executed in 1976. As a matter of fact, over a three-year period, more than 60 (sixty) senior cadres and most of the General Staff members were arrested, interrogated, detained, and executed at S-21 Security Centre. Over 1,700,000 (one million and seven hundred thousand) people died and were killed over a three-year period [under the control] of the regime (paragraph 101).

MEAS Muth's Participation

421. In the Introductory Submission, **MEAS Muth** was primarily charged with collaborating the arrest and transfer of the Division 164 soldiers to S-21 Security Centre, where they were executed, and participating in suppressing soldiers and foreigners who encroached on Cambodian territorial waters.
422. As Secretary of Division 164, **MEAS Muth** participated in supporting DK policies through the suppression of enemies burrowing from within, and dissemination of policies to Division 164 soldiers. This was reflected in meetings chaired by SON Sen with secretaries and deputy secretaries of other divisions.
423. 286 (two hundred and eighty-six) official and reliably confidential documents of the DK regime (paragraphs 220 to 225) include confessions, telegrams, confidential telephone messages, meeting minutes indicating **MEAS Muth's** presence and his correspondence with SON Sen. However, these [documents] do not show **MEAS Muth's** initiative and order to arrest or execute [anyone] other than the reports on enemies and general situations in Division 164.
424. Evidence shows the facilitation of the arrest and transfer of Division 164 soldiers to S-21 Security Centre. As POL Pot and SON Sen had announced, in order to smash enemies and defend the territory, it was absolutely necessary to purge soldiers. S-21 Security Centre was an important mechanism for implementing nationwide security-related policies. Division 164 functioning as the DK Navy was under SON Sen's direct control. Cadres or soldiers who were arrested and sent to S-21 Security Centre were to be interrogated for extracting confessions, and in accordance with [CPK] policies, they would be executed (paragraph 269). Accordingly, decisions to arrest and send any cadre or any individual to S-21 Security Centre were made by the Central Committee, i.e. POL Pot and NUON Chea, on SON Sen's recommendations and in collaboration with institutional leaders.
425. According to the two paragraphs mentioned earlier, it was less likely that **MEAS Muth** had the power over either the facilitation of the arrest and transfer [of Division 164 soldiers] to S-21 Security Centre or the suppression on the territorial waters. This assertion is corroborated by the content of the 30 March 1976 decision which indicates that in Independent Sectors, the decision shall be taken by the Standing

Committee. For the Centre Military, the decision shall be taken by the General Staff (paragraph 232).

426. The Introductory Submission indicates the responsibility for around 17,000 (seventeen thousand) people, including over 8,000 (eight thousand) soldiers (paragraph 189), lies with **MEAS Muth**. The evidence collected does not specify these numbers. According to S-21 prisoner lists, over 5,000 (five thousand) prisoners who were RAK former members involved in internal purges across its military ranks and were arrested and sent to S-21 Security Centre. With regard to the total number of the prisoners sent to S-21 Security Centre in 1977, it is noted that Division 164 had around 42 (forty-two) to 67 (sixty-seven) soldiers¹¹⁶⁹ and some others were arrested from the sea and sent to S-21 Security Centre. These numbers seem correct if compared to the Division 164 data between 1975 and 1977 (paragraph 189). The number of the direct victims in Division 164 is smaller than that of Division 502, Division 801, the Southwest Zone, Northwest Zone, and Central (formerly the North) Zone, which were suppressed and also sent to S-21 Security Centre.

**MEAS Muth's Participation was Neither Active in Nor Proximate to the
Commission of the Crimes**

427. The National Co-Investigating Judge has considered the principle of the uniformity of jurisprudence. In this sense, the National Co-Investigating Judge has considered the jurisprudence of Case 001 and compared the roles and participations of Duch and **MEAS Muth**. Such comparison was also previously drawn by the Chamber.
428. **MEAS Muth** had several roles, but he did not exercise much power. His participation was inactive, unimportant, and not proximate to the commission of the crimes. The number of victims who suffered as a result of MEAS Muth's direct acts differs greatly from those who suffered as a result of Duch's direct acts.

For the foregoing reasons, we hereby:

429. DECIDE that the ECCC has no personal jurisdiction over **MEAS Muth**.
430. **DISMISS the charges** against **MEAS Muth**.

Phnom Penh, 28 November 2018

Judge YOU Bunleng

National Co-Investigating Judge

¹ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008.

² Case 003, **D13**, Notice of Conclusion of Judicial Investigation, 29 April 2011.

³ Case 003, **D52**, Forwarding Order, 7 February 2013.

⁴ Case 003, **D52/1**, International Co-Prosecutor's Response to Forwarding Order of 7 February 2013.

⁵ Among those witnesses, some of them have been reviewed and considered, but are not used in this order because they are not relevant:

Case 003, **D1.3.32.43**, Written Record of Interview of Witness **Sao Khe**, 3 April 2008; Case 003, **D2/2**, Written Record of Interview of Witness **Ou Leang**, 13 July 2010; Case 003, **D2/3**, Written Record of Interview of Witness **Nop Hat** or **Ly Hat**, *alias* Nop Hon, 20 July 2010; Case 003, **D2/5**, Written Record of Interview of Witness **Hean Rum** or **Hean Phearum**, 24 August 2010; Case 003, **D2/12**, Written Record of Interview of Witness **Mao Phat**, 24 September 2010; Case 003, **D2/13**, Written Record of Interview of Witness **Say Tay**, 25 September 2010; Case 003, **D2/14**, Written Record of Interview of Witness **Meang Buolin**, 26 September 2010; Case 003, **D2/17**, Written Record of Interview of Witness **In Saroeun**, 12 November 2010; Case 003, **D4.1.241**, Written Record of Interview of Witness **Phy Phoun**, 21 September 2008; Case 003, **D4.1.246**, Written Record of Interview of Witness **Pen En**, 18 February, 2008; Case 003, **D4.1.247**, Written Record of Interview of Witness **Mam Nai**, *alias* Chan, 14 February 2008; Case 003, **D4.1.249**, Written Record of Interview of Witness **Nim Kimsreang**, *alias* Nim Oem, 18 January 2008; Case 003, **D4.1.250**, Written Record of Interview of Witness **Him Huy**, 18 January 2008; Case 003, **D4.1.251**, Written Record of Interview of Witness **Lork Mengsean** or **Srun Sean**, 7 February 2008; Case 003, **D4.1.343**, Written Record of Interview of Witness **Chiem Soeu**, 23 October 2007; Case 003, **D4.1.344**, Written Record of Interview of Witness **Lach Mean**, 24 October 2007; Case 003, **D4.1.345**, Written Record of Interview of Witness **Mam Nai**, *alias* Chan, 26 October 2007; Case 003, **D4.1.363**, Written Record of Interview of Witness **Pes Math**, *alias* Ly Try, 18 March 2008; Case 003, **D4.1.365**, Written Record of Interview of Witness **Lach Vorleak Kolyan**, *alias* Kolyan, 26 March 2008; Case 003, **D4.1.366**, Written Record of Interview of Witness **Chan Vooun**, 27 March 2008; Case 003, **D4.1.368**, Written Record of Interview of Witness **Kaing Pan**, *alias* Huy Pan, 31 March 2008; Case 003, **D4.1.373**, Written Record of Interview of Witness **Chey Sopheara**, *alias* Mao, 25 March 2008; Case 003, **D4.1.378**, Written Record of Interview of Witness **Kung Phai**, 27 December 2007; Case 003, **D4.1.379**, Written Record of Interview of Witness [REDACTED], 17 January 2008; Case 003, **D4.1.380**, Written Record of Interview of Witness **Chhem Chhin**, 22 January 2008; Case 003, **D4.1.381**, Written Record of Interview of Witness **Sokh Sophat**, 14 January 2008; Case 003, **D4.1.383**, Written Record of Interview of Witness **Khiev**

Chas, *alias* Peou, 28 November 2007; Case 003, **D4.1.384**, Written Record of Interview of Witness **Saom Met**, 28 November 2007; Case 003, **D4.1.385**, Written Record of Interview of Witness **Tob Soeun** or **Tob Pheap**, *alias* Chroek, 29 November 2007; Case 003, **D4.1.386**, Written Record of Interview of Witness **Iem Horn**, *alias* Moeng, 29 November 2007; Case 003, **D4.1.388**, Written Record of Interview of Witness **Vann Nath**, 8 January 2008; Case 003, **D4.1.418**, Written Record of Interview of Witness **Sokh Proeung**, 18 August 2008; Case 003, **D4.1.419**, Written Record of Interview of Witness **Sokh Proeung**, 18 August 2008; Case 003, **D4.1.420 [D4.1.429]**, Written Record of Interview of Witness **Chan Tauch**, *alias* Chan Tauy, 23 October 2008; Case 003, **D4.1.430**, Written Record of Interview of Witness **Net Savat**, *alias* Net Tha, 23 October 2008; Case 003, **D4.1.435**, Written Record of Interview of Witness **Uong Dos**, 29 October 2008; Case 003, **D4.1.436**, Written Record of Interview of Witness **Nou Sauy**, 29 October 2008; Case 003, **D4.1.442**, Written Record of Interview of Witness **Sovan Han** or Buo Phan, 26 November 2008; Case 003, **D4.1.443**, Written Record of Interview of Witness **Ham Ansi**, 26 November 2008; Case 003, **D4.1.445 [D125/168]**, Written Record of Interview of Witness **Bun Chan**, 17 December 2008; Case 003, **D4.1.446**, Written Record of Interview of Witness **KUNG Sam-at**, *alias* At, 22 December 2008; Case 003, **D4.1.457**, Written Record of Interview of Witness **Ou Phlan**, 3 June 2008; Case 003, **D4.1.459**, Written Record of Interview of Witness **Nget Nguon**, 5 June 2008; Case 003, **D4.1.463**, Written Record of Interview of Witness **Hun Hat**, 13 June 2008; Case 003, **D4.1.468**, Written Record of Interview of Witness **EI Sam**, *alias* Sam, 7 July 2008; Case 003, **D4.1.471**, Written Record of Interview of Witness **No Satas**, 8 July 2008; Case 003, **D4.1.472**, Written Record of Interview of Witness **Ahmad Sofiyah**, 8 July 2008; Case 003, **D4.1.473**, Written Record of Interview of Witness **It Sen**, *alias* Sen, 9 July 2008; Case 003, **D4.1.474**, Written Record of Interview of Witness AHMAD Sofiyah, 10 July 2008; Case 003, **D4.1.475**, Written Record of Interview of Witness SUF Romly, 10 July 2008; Case 003, **D4.1.485**, Written Record of Interview of Witness SMAN At, 12 August 2008; Case 003, **D4.1.517**, Written Record of Interview of Witness KAE Noh, 20 May 2009; Case 003, **D4.1.529**, Written Record of Interview of Witness SENG Srun, 20 October 2008; Case 003, **D4.1.530**, Written Record of Interview of Witness SAMRIT Muy, 20 October 2008; Case 003, **D4.1.531**, Written Record of Interview of Witness LENG Sokhchea, 22 October 2008; Case 003, **D4.1.532**, Written Record of Interview of Witness DIN Pet, 23 October 2008; Case 003, **D4.1.533**, Written Record of Interview of Witness CHEU Than, 23 October 2008; Case 003, **D4.1.541**, Written Record of Interview of Witness TAY Kimhuon, 24 November 2008; Case 003, **D4.1.547**, Written Record of Interview of Witness UNG Ien, 11 December 2008; Case 003, **D4.1.549**, Written Record of Interview of Witness CHING Phoeun, 17 December 2008; Case 003, **D4.1.552**, Written Record of Interview of Witness KEV Ne, 18 December 2008; Case 003, **D4.1.555**, Written Record of Interview of Witness KHORN Brak, 8 January 2009; Case 003, **D4.1.558**, Written Record of Interview of Witness OV Yae, 13 January 2009; Case 003, **D4.1.563**, Written Record of Interview of Witness UY Chhuon, 16 January 2009; Case 003, **D4.1.630**, Written Record of Interview of Witness Chhang Youk, 19 August 2009; Case 003, **D4.1.741**, Written Record of Interview of Witness NIM Kimsreang, 22 October 2007; Case 003, **D4.1.768**, Written Record of Interview of Witness SAY Vet, *alias* Nhoun, 6 May 2009; Case 003, **D4.1.770**, Written Record of Interview of Witness CHUM Nai, 21 May 2009; Case 003, **D4.1.771**, Written Record of Interview of Witness E Phally or E Ly, 9 March 2009; Case 003, **D4.1.772**, Written Record of Interview of Witness KRI Buntheng or Thon, 18 June 2009; Case 003, Written Record of Interview of Witness Tes Trich, *alias* Phea *alias* Ol, 19 June 2009; Case 003, **D4.1.776**, Written Record of Interview of Witness PEOU Sinat or YEM Nat, 11 March 2009; Case 003, **D4.1.777**, Written Record of Interview of Witness SIN Iev, 12 March 2009; Case 003, **D4.1.779**, Written

Record of Interview of Witness NHEM Seam or NHEM Sarin, 16 March 2009; Case 003, **D4.1.788**, Written Record of Interview of Witness SAM Voeun, 16 September 2009; Case 003, **D4.1.798**, Written Record of Interview of Witness DUY Dok, 27 October 2009; Case 003, **D4.1.800**, Written Record of Interview of Witness KEP Moeun, 29 October 2009; Case 003, **D4.1.809**, Written Record of Interview of Witness NHANG Bunchan, 10 November 2009; Case 003, **D4.1.814**, Written Record of Interview of Witness YIN Pheng, 17 November 2009; Case 003, **D4.1.821**, Written Record of Interview of Witness SUON Kanil, 18 August 2009; Case 003, **D4.1.824**, Written Record of Interview of Witness SENG Srun, 9 December 2009; Case 003, **D4.1.834**, Written Record of Interview of Witness TAUCH Sovanrith [TAUCH Vanrith], 22 December 2009; Case 003, **D4.1.840**, Written Record of Interview of Witness LOEK Sao, 5 September 2009; Case 003, **D4.1.857**, Written Record of Interview of Witness PRAK Yut, 29 July 2009; Case 003, **D4.1.910**, Written Record of Interview of Witness UK Yon, 25 October 2007; Case 003, **D4.1.922**, Written Record of Interview of Witness [VORNG Saran], [24] August 2009; Case 003, **D4.1.930**, Written Record of Interview of Witness SAKIM Lmut, 18 December 2009; Case 003, **D4.1.931**, Written Record of Interview of Witness SAKIM Lmut, 19 December 2009; Case 003, **D4.1.932**, Written Record of Interview of Witness PEN Heng, 31 December 2009; Case 003, **D4.1.937**, Written Record of Interview of Witness KUNG Phan, 25 July 2009; Case 003, **D4.1.938**, Written Record of Interview of Witness BUT Chuon, 15 August 2009; Case 003, **D4.1.967**, Written Record of Interview of Witness CHHANG Youk, 6 October 2009; Case 003, **D4.1.1040**, Written Record of Interview of Witness SAN Chheng, 3 March 2010; Case 003, **D4.1.1041**, Written Record of Interview of Witness UNG Ren, 4 March 2010; Case 003, **D4.1.1046**, Written Record of Interview of Witness HIM Dam, 15 March 2010; Case 003, **D4.1.1051**, Written Record of Interview of Witness SOK Ya, 6 April 2010; Case 003, **D4.1.1061**, Written Record of Interview of Witness TEP Dom, 13 November 2007; Case 003, **D4.1.1062**, Written Record of Interview of Witness LIM Hach, 29 November 2007; Case 003, **D4.1.1125**, Written Record of Interview of Witness SAO Run, 11 December 2007; Case 003, **D4.1.1129**, Written Record of Interview of Witness NOU Taon, 13 December 2007; Case 003, **D4.1.1130**, Written Record of Interview of Witness SUONG Sikoeun, *alias* Kung or Thorn, 17 December 2007; Case 003, **D4.1.1134**, Written Record of Interview of Witness YIN Chon, 4 December 2007; Case 003, **D4.1.1140**, Written Record of Interview of Witness YIM Laing, 18 January 2008; Case 003, **D4.1.1143**, Written Record of Interview of Witness KUNG Sokha, 21 January 2008; Case 003, **D4.1.1144**, Written Record of Interview of Witness PHOEUNG Voeun, 4 March 2008; Case 003, **D4.1.1146**, Written Record of Interview of Witness KHIM Samnang, 6 March 2008; Case 003, **D4.1.1147**, Written Record of Interview of Witness Kev Leou, 6 March 2008; Case 003, **D4.1.1148**, Written Record of Interview of Witness SEM Hoeun, 7 March 2008; Case 003, **D8**, Written Record of Interview of Witness SAM Bun Leng, 25 March 2011; Case 003, **D10.1.13**, Written Record of Interview of Witness Chhay Srieu, 8 February 2008; Case 003, **D10.1.14**, Written Record of Interview of Witness Ngeth Buntha, 8 February 2008; Case 003, **D10.1.15**, Written Record of Interview of Witness Van Sophea, 8 February 2008; Case 003, **D10.1.16**, Written Record of Interview of Witness Tes Sambon, 8 February 2008; Case 003, **D10.1.17**, Written Record of Interview of Witness Meas Yem, 11 February 2008; Case 003, **D10.1.18**, Written Record of Interview of Witness AY Simily, 11 February 2008; Case 003, **D10.1.19**, Written Record of Interview of Witness CHET Sokha, 18 February 2008; Case 003, **D10.1.27**, Written Record of Interview of Witness BOU Thon, 11 January 2008; Case 003, **D10.1.29**, Written Record of Interview of Witness MEAS Pengkry or MEAS Kry, 29 November 2007; Case 003, **D10.1.30**, Written Record of Interview of Witness MAK Sithim, 30 November 2007; Case 003, **D10.1.37**, Written Record of Interview of Witness SAM Some, 7 May 2008; Case 003, **D10.1.41**, Written Record of Witness Interview of

KOEM Sokh, 27 May 2008; Case 003, **D10.1.43**, Written Record of Interview of PAK Samdin, 2 July 2008; Case 003, **D10.1.44**, Written Record of Interview of Witness CHEM Sem, 3 July 2008; Case 003, **D10.1.47**, Written Record of Interview of Witness KHOEM Naret, 16 July 2008; Case 003, **D10.1.48**, Written Record of Interview of Witness NHET Hoeun, 17 July 2008; Case 003, **D10.1.61**, Written Record of Witness Interview of DENG Chiv, 25 March 2009; Case 003, **D10.1.66**, Written Record of Witness Interview of MOEUNG Chandy, 9 November 2009; Case 003, **D10.1.67**, Written Record of Interview of Witness MOM Chhot, 19 October 2007; Case 003, **D10.1.121**, Written Record of Witness Interview of YIN Nean, 19 March 2008; Case 003, **D10.1.122**, Written Record of Interview of Witness YIN Nean, 7 April 2008; Case 003, **D10.1.123**, Written Record of Witness Interview of Khouy Visalmony, 10 April 2008; Case 003, **D10.1.124**, Written Record of Interview of Witness VANTHAN Povdara, 23 April 2008; Case 003, **D10.1.125**, Written Record of Interview of Witness OUCH Pon, 24 April 2008; Case 003, **D10.1.126**, Written Record of Interview of Witness TAT Leakhena, 24 April 2008; Case 003, **D4.1.566**, Written Record of Interview of Witness SUONG Sikoeun, 6 May 2009; Case 003, **D4.1.784**, Written Record of Interview of Witness PECH Chim, 26 August 2009; Case 003, **D4.1.785**, Written Record of Interview of Witness PECH Chim, 27 August 2009; Case 003, **D4.1.1126**, Written Record of Interview of Witness LOTH Nitya, *alias* SO Hong, 11 December 2007.

⁶ Internal Rule 67(2), Extraordinary Chambers in the Courts of Cambodia, Revision 9, 16 January 2015.

⁷ Case 003, **D257/1/8**, Decision on MEAS Muth's Application for the Annulment of Torture-Derived Written Records of Interview. This document requests to annul a number of documents in Case 003 prior to the conclusion of the investigation.

⁸ International Covenant on Civil and Political Rights, 16 December 1966, the United Nations, Treaty Series Vol.999, p. 171, Article 14.

⁹ The European Court of Human Rights, Judgment, Kudla v. Poland, 26 October 2000, para. 122.

¹⁰ The European Court of Human Rights, Judgment, Philis v. Greece, 27 June 1997, para. 35.

¹¹ Record of Disagreement between the CIJs concerning Case 003, 17 September 2018.

¹² Case 004/2, **D355/1**, Decision on Ao An's Urgent Request for Disclosure of Documents Relating to Disagreements, 18 September 2017, para. 15 (Classification: Public).

¹³ Case 002, **E350/8**, Decision on Evidence Obtained Through Torture, 5 February 2016 (Classification: Public).

¹⁴ Case 002, **F26/12**, Decision on Objections to Document Lists Full Reasons, 31 December 2015 (Classification: Public).

¹⁵ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008.

¹⁶ Case 003, **D86/1/1**, Death Certificate of 15 June 103 from Military Region 5 Hospital.

¹⁷ Case 003, **D86/3**, Dismissal of Allegations against Sou Met, 2 June 2015.

¹⁸ UN Doc. No. A/51/930-S/1997/488, 21 June 1997, available at:

http://www.unakrt-online.org/sites/default/files/documents/June_21_1997_letters_from_PMs-2-1.pdf; UN Doc. No. A/RES/52/135, 27 February 1998, para. 16, available at:

<http://www.unakrt-online.org/sites/default/files/documents/A-RES-52-135%281%29.pdf>.

¹⁹ 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 ("ECCC Agreement"), signed on 6 June 2003 and into force on 29 April 2005; UN Doc. No. A/RES/57/228B, approving the draft Agreement concerning the Establishment of the ECCC, 22 May 2003, available at:<http://www.unakrt->

online.org/sites/default/files/documents/A-Res-57-228B.pdf; UN Doc. No. A/60/565, 25 November 2005, para. 4, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/60/565.

²⁰ The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, 10 August 2011, amended by Royal Decree dated 27 October 2004 (NS/RKM/1004/006) (“ECCC Law”).

²¹ Case 003, **D1/1.3**, Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71 (Public Redacted Version), dated 18 August 2009, para.1.

²² Case 003, **D1/1.3**, Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71 (Public Redacted Version), dated 18 August 2009.

²³ Case 003, **D1**, Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008.

²⁴ Case 003, **D13**, Notice of Conclusion of Judicial Investigation, 29 April 2011.

²⁵ Case File No. 003-**D11/1/3**, *Order on the Admissibility of the Civil Party applicant SENG Chan Theory*, 11 April 2011; Case File No. 003-D11/2/3, *Order on the Admissibility of the Civil Party Applicant Rob Hamill*, 11 April 2011; Case File No. 003-D11/3/3, *Order on the Admissibility of the Civil Party application of Chum Neou*, 27 July 2011; and Case File No. 003-D11/4/3, *Order on the Admissibility of the Civil Party Application of Timothy Scott Deeds*, 9 September 2011.

²⁶ Press Release by the CIJs, 30 May 2011, available at: <https://www.eccc.gov.kh/sites/default/files/media/ECCC%20Press%20Release-%20OCIJ-30%20May%202011-KH.pdf>.

²⁷ Case File No. 003-**D11/1/4/1**, *Appeal against the order on the admissibility of the civil party applicant SENG Chan Theory*, 18 May 2011; Case File No. 003-**D11/2/4/2**, *Appeal against the order on the admissibility of civil party applicant Robert Hamill*, 23 May 2011; Case File No. 003-**D11/3/4/1**, *Appeal against the order on the admissibility of civil party applicant Chum Neou*, 15 August 2011; Case File No. 003-**D11/4/4/1**, *Appeal against the order on the admissibility of civil party applicant Timothy Scott Deeds*, 3 October 2011.

²⁸ Case File No. 003-**D11/4/4/2**, *Considerations of the Pre-Trial Chamber regarding the appeal against order on the admissibility of Civil Party Applicant Timothy Scott Deeds*, 14 February 2013.

²⁹ Case 003, **D17**, International Co-Prosecutor’s First Case File 003 Investigative Request to Admit Additional Documents and Observations on the Status of the Investigation, 18 May 2011.

³⁰ Case 003, **D18**, International Co-Prosecutor’s Second Request for Further Investigation Action regarding Sou Met and Related Crimes Sites, 18 May 2011.

³¹ Case 003, **D19**, International Co-Prosecutor’s Third Investigative Request regarding Meas Mut and Related Crimes Sites, 18 May 2011.

³² Case 003, **D20**, Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003, 19 May 2011 (“First Order”).

³³ Case 003, **D20/1**, National Co-Prosecutor’s Response to the Co-Investigative Judges’ Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003, 25 May 2011.

³⁴ Case 003, **D20/2**, Co-Prosecutors’ Response to the Co-Investigative Judges’ Order on Time Extension and Investigative Requests by International Co-Prosecutor in Case 003, 26 May 2011.

³⁵ Case 003, **D20/3**, Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003, 7 June 2011 (“Impugned Decision”).

³⁶ Case 003, **D22**, International Co-Prosecutor's First Case File 003 Investigative Request to Admit Additional Documents and Observations on the Status of the Investigation, 10 June 2011; Case 003, **D23**, International Co-Prosecutor's Second Request for Further Investigation Action regarding Sou Met and Related Crimes Sites, 10 June 2011; Case 003, **D24**, International Co-Prosecutor's Third Investigative Request regarding **Meas Mut** and Related Crimes Sites, 10 June 2011.

³⁷ Case 003, **D20/4/1**, International Co-Prosecutor's Appeal against the "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003", 7 July 2011.

³⁸ Case 003, **D26**, Decision on International Co-Prosecutor's Re-Filing of Three Investigative Requests in Case 003, 27 July 2011.

³⁹ Case 003, **D26/1/1**, International Co-Prosecutor's Appeal against the "Decision on International Co-Prosecutor's Re-Filing of Three Investigative Requests in Case 003", 26 August 2011.

⁴⁰ Case 003, **D20/4/4**, Considerations of the Pre-Trial Chamber regarding the International Co-Prosecutor's Appeal against the "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003", 2 November 2011; Case 003, **D26/1/3**, Considerations of the Pre-Trial Chamber regarding International Co-Prosecutor's Appeal against the "Decision on International Co-Prosecutor's Re-Filing of Three Investigative Requests", 15 November 2011.

⁴¹ Press Release by the International Co-Investigative Judge, 10 October 2011, available at:

<https://www.eccc.gov.kh/sites/default/files/media/correctedECCC-INT-CIJ%2010%20Oct%202011%20%28Eng%29.pdf>.

⁴² Case 003, **D28**, Order on Resuming the Judicial Investigation by International Reserve Co-Investigating Judge Laurent Kasper-Ansermet, 2 December 2011.

⁴³ Press Release by the National Co-Investigating Judge, 6 December 2011, available at:

<https://www.eccc.gov.kh/sites/default/files/media/5-Corrected%20English%20version%20of%20Press%20Statement%20National%20CIJ%20December%206%20Final.pdf>.

⁴⁴ Press Release by the International Reserve Co-Investigative Judge, 19 March, 2012, available at:

<https://www.eccc.gov.kh/sites/default/files/media/5-ECCC%20PR%20Int%20OCIJ%2019%20March%202012-Eng.pdf>.

⁴⁵ Press Release on the Deployment of New International Co-Investigative Judge, 30 July 2012, available at:

<https://www.eccc.gov.kh/sites/default/files/media/ECCC%20PR%2030%20Jul%202012%20En.pdf>.

⁴⁶ Case 003, **D52**, Forwarding Order, 7 February 2013.

⁴⁷ Case 003, **D54**, International Co-Investigating Judge's Rogatory Letter, 7 February 2013.

⁴⁸ Case 003, **D52/1**, International Co-Prosecutor's Response to Forwarding Order of 7 February 2013.

⁴⁹ Statement by the Co-Investigative Judges regarding Case 003, available at:

<http://www.eccc.gov.kh/en/articles/statement-co-investigating-judges-regarding-case-003>.

⁵⁰ Case 003, **D13**, Notice of Conclusion of Judicial Investigation, 29 April 2011.

⁵¹ Case 003, **D20/4/4**, Considerations of the Pre-Trial Chamber regarding the International Co-Prosecutor's Appeal against the "Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor regarding Case 003", 2 November 2011; Case 003, **D26/1/3**, Considerations of the Pre-Trial Chamber regarding International Co-Prosecutor's Appeal against the "Decision on International Co-Prosecutor's Re-Filing of Three Investigative Requests", 15 November 2011.

⁵² ECCC Internal Rule 76.

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- ⁵³ ECCC Internal Rule 76.
- ⁵⁴ Case 004/2, **D208/1/1/2**, Pre-trial Chamber's Decision on Ta An's Appeal against the Decision Rejecting the Request for Information concerning the Co-Investigating Judges' Disagreement of 5 April 2013, para. 8 (Classification: Public Redacted Version).
- ⁵⁵ Statement by the National Co-Investigating Judge dated 28 February 2013 regarding Case 003.
- ⁵⁶ ECCC Internal Rule 55(2).
- ⁵⁷ Case 003, **D87/2/1.9/1**, Decision on Meas Muth's Request for the Work Product of OCIJ Investigators in Case 002, 15 October 2015, para. 9.
- ⁵⁸ ECCC Internal Rule 55(4).
- ⁵⁹ Cour de Cassation, Chambre criminelle, 27 November 1963, 63-91.516, published in Bulletin No. 338.
- ⁶⁰ ECCC Internal Rules 21, 22.
- ⁶¹ ECCC Internal Rule 63(3).
- ⁶² ECCC Internal Rule 67.
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- ⁶⁷ Case 003, **D10.1.95**, Co-Prosecutors' Introductory Submission, 18 July 2007, para. 1, pp. 2-3.
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¹³² Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, pp. 11, 31, 39; Case 003, **D4.1.1108**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 March 2008, pp. 6-7; Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D10.1.56**, Written Record of Interview of Witness **Hok Hocun**, *alias* Hoeun, 23 November 2008, p. 4.

¹³³ Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D4.1.540**, Written Record of Interview of Witness **Sokh Koeun**, *alias* Sin Savoeun, 20 November 2008, p. 3; Case 003, **D4.1.551**, Written Record of Interview of Witness **Tann Than**, 18 December 2008, pp. 3-4; Case 003, **D4.1.826**, Written Record of Interview of Witness **Kaot Rin**, 15 December 2009, p. 4; Case 003, **D4.1.827** Written Record of Interview of Witness **Him Horn**, 18 December 2009, p. 4; Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima, Peru, on 8 September 1975, p. 1; Case 003, **D4.1.196**, the True Fact about Pol Pot’s Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 7; Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session, Item 12 of the provisional agenda, “Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, with particular reference to Colonial and other Dependent Countries and Territories”, 30 January 1979, pp. 10-11.

¹³⁴ Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima, Peru, on 8 September 1975, pp. 1-2; Case 003, **D4.1.196**, the True Fact about Pol Pot’s Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, pp. 1, 3-5, 7; Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session, Item 12 of the

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¹³⁷ Case 003, **D4.1.792**, Written Record of Interview of Witness **Pech Sokha**, 12 October 2009, pp. 5-6; Case 003, **D4.1.524**, Written Record of Interview of Witness **Tuoloas Sma El**, *alias* Tuoloas El, 10 July 2009, p. 5; Case 003, **D4.1.510**, Written Record of Interview of Witness **Sreng Thi**, 7 March 2009, p. 4.

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¹³⁹ Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975, p. 4; Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session, Item 12 of the provisional agenda, “Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the Word, with particular reference to Colonial and other Dependent Countries and Territories”, 30 January 1979, p. 21.

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¹⁴⁶ Case 003, **D4.1.526**, Written Record of Interview of Witness **Prum Proeung**, *alias* Ni, 24 July 2009, p. 5; Case 003, **D4.1.537**, Written Record of Interview of Witness **Au Hau**, 18 November 2008, p. 7; Case 003, **D4.1.853**, Written Record of Interview of Witness **Prak Yut**, *alias* Yeay Yut, 21 July 2009, p. 7; Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 5; Case 003, **D4.1.769**, Written Record of Interview of Witness **Lim Nhon**, 7 May 2009, p. 2; Case 003, **D4.1.462**, Written Record of Interview of Witness **Sum Alat**, *alias* Chhong Lat, 10 June 2008, p. 4; Case 003, **D4.1.1045**, Written Record of Interview of Witness **Saray Hien**, *alias* Hien, 10 March 2010, p. 5; Case 003, **D4.1.929**, Written Record of Interview of Witness **Khiev En**, 2 September 2009, p. 7.

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¹⁶⁶ Case 003, **D4.1.458**, Written Record of Interview of Witness **Tann Saroeun**, 3 June 2008, p. 4; Case 003, **D4.1.817**, Written Record of Interview of Witness **Bun Thien**, 17 August 2009, p. 13; Case 003, **D4.1.813**, Written Record of Interview of Witness **Duk Phau**, *alias* Ta Pheng, 16 November 2009, p. 3; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 4; Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session,

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¹⁷⁹ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 251, p. 66 (Classification: Public); Case 003, **D4.1.1122**, the submission of KAING Guek Eav’s response to the Co Investigating Judges’ written questions, 21 October 2008, p. 13.

¹⁸⁰ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, paras. 258-260, pp. 67-69 (Classification: Public).

¹⁸¹ Case 003, **D4.1.929**, Written Record of Interview of Witness **Khiev En**, 2 September 2009, p. 7; Case 003, **D4.1.856**, Written Record of Interview of Witness **Nam Che**, 24 July 2009, p. 8; Case 003, **D4.1.837**, Written Record of Interview of Witness **Hen Sophal**, *alias* Chhum, 31 August 2009, p. 6.

¹⁸² Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, p. 4.

¹⁸³ Case 003, **D4.1.767**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 October 2009, p. 6; Case 003, **D4.1.807**, Written Record of Interview of Witness **Ieng Chham**, *alias* Chhi, 8 November 2009, p. 5; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, pp. 6-7; Case 003, **D4.1.522**, Written Record of Interview of Witness **Sou Soeun**, 5 July 2009, pp. 3-4; Case 003, **D4.1.525**, Written Record of Interview of Witness **Khiev Neou**, 23 July 2009, p. 3; Case 003, **D4.1.554**, Written Record of Interview of Witness **Lay Ean**, *alias* Oeun, 7 January 2009, p. 3; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Vocun**, *alias* Svay Voeun, 16 December 2009, p. 3; Case 003, **D4.1.856**, Written Record of Interview of Witness **Nam Che**, 24 July 2009, p. 8; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 7; Case 003, **D4.1.1042**, Written Record of Interview of Witness **Meas Vocun**, *alias* Svay, 4 March 2010, p. 4; Case 003, **D4.1.929**, Written Record of Interview of Witness **Khiev En**, 2 September 2009, p. 7; Case 003, **D4.1.1053**, Written Record of Interview of Witness **Sou Nan**, *alias* Nan, 9 April 2010, p. 4; Case 003, **D4.1.965**, Note Takings (**Khieu Samphan and Nuon Chea**), Pailin, Cambodia, June 9-11, 2006, by Men-Try Ea and Sopheak Loeung, p. 4; Case 003, **D4.1.835**, Written Record of Interview of Witness **Salot Ban**, *alias* Lot Nitya *alias* Sau Hong, 22 July 2009, p. 2; Case 003, **D4.1.836**, Written Record of Interview of Witness **Yung Yem**, *alias* Yung Moeun, 31 August 2009, p. 3; Case 003, **D4.1.424**, Written Record of Interview of Witness **Soh Kamrei**, 10 September 2008, p. 3; Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3; Case 003, **D4.1.461**, Written Record of Interview of Witness **Ouk Savuth**, 9 June 2008, pp. 2-3; Case 003, **D4.1.480**, Written Record of Interview of Witness **Dy Yet**, *alias* Pech, 6 August 2008, p. 2; Case 003, **D10.1.60** Written Record of Interview of Civil Party **AFFONCO Denise**, 3 June 2009, p. 3; Case 003, **D4.1.823**, Written Record of Interview of Witness **Srun Chey**, 11 December 2009, p. 2; Case 003, **D4.1.825**, Written Record of Interview of Witness **Man Heang**, 10 December 2009, pp. 2-3; Case 003, **D4.1.826**, Written Record of Interview of Witness **Kaot Rin**, 15 December 2009, p. 3; Case 003, **D4.1.827**, Written Record of Interview of Witness **Him Horn**, 18 December 2009, p. 3; Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima, Peru, on 8 September 1975, p. 1; Case 003, **D4.1.1141**, Written Record of Interview of Witness **Meas Thung**, 18 January 2008, p. 3.

¹⁸⁴ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, paras. 227-228, 233, 236-237, pp. 61-63 (Classification: Public); Case 003, **D4.1.525**, Written Record of Interview of Witness **Khiev Neou**, 23 July

2009, p. 3; Case 003, **D4.1.426**, Written Record of Interview of Witness **Pechuy Chipse**, 10 September 2008, p. 2; Case 003, **D4.1.427**, Written Record of Interview of Witness **Srei Phan**, *alias* Duch, 16 September 2018, pp. 2-3; Case 003, **D4.1.438**, Written Record of Interview of Witness **Sun Nat**, *alias* Ta Nat, 18 November 2008, p. 2; Case 003, **D4.1.440**, Written Record of Interview of Witness **Hun Sa**, 19 November 2008, p. 2; Case 003, **D4.1.461**, Written Record of Interview of Witness Ouk Savuth, 9 June 2008, pp. 2-3; Case 003, **D4.1.462**, Written Record of Interview of Witness **Sum Alat**, *alias* Chhong Lat, 10 June 2008, pp. 2-3; Case 003, **D4.1.478**, Written Record of Interview of Witness **Nhem Sat**, 30 July 2008, p. 2; Case 003, **D4.1.481**, Written Record of Interview of Witness **Sam Sithi**, *alias* Thi, 7 August 2008, p. 2; Case 003, **D4.1.503**, Written Record of Interview of Witness **Loeung Kimchhong**, 11 February 2009, pp. 2-3; Case 003, **D4.1.504**, Written Record of Interview of Witness **Kev Kin**, 12 February 2009, p. 3; Case 003, **D4.1.505**, Written Record of Interview of Witness **Sum Sokhan**, *alias* Sreang, 13 February 2009, p. 3; Case 003, **D4.1.506**, Written Record of Interview of Witness **Sin Sot**, *alias* Sot, 17 February 2009, pp. 2-3; Case 003, **D4.1.507**, Written Record of Interview of Witness **Pel Kan**, 3 March 2009, p. 3; Case 003, **D4.1.508**, Written Record of Interview of Witness **Chan Man**, *alias* Chuop Sokhon, *alias* Kuy *alias* Et, 4 March 2009, p. 3; Case 003, **D4.1.513**, Written Record of Interview of Witness **Khin Vat**, 6 April 2009, p. 3; Case 003, **D4.1.524**, Written Record of Interview of Witness **Tuoloas Sma El**, *alias* Tuoloas El, 10 July 2009, p. 3; Case 003, **D4.1.564**, Written Record of Interview of Witness **Theng Huy**, 17 September 2008, p. 3; Case 003, **D4.1.560**, Written Record of Interview of Witness **Um Chi**, 14 January 2009, p. 3; Case 003, **D4.1.562**, Written Record of Interview of Witness **Ut Seng**, 14 January 2009, pp. 2-3; Case 003, **D4.1.565**, Written Record of Interview of Witness **Saom Phan**, 30 January 2009, p. 2; Case 003, **D4.1.587**, Written Record of Interview of Witness **Thiounn Prasith**, 8 June 2009, p. 4; Case 003, **D4.1.616**, Written Record of Interview of Witness **Sa Siek**, 24 March 2009, pp. 3-5; Case 003, **D10.1.65**, Written Record of Interview of Witness **Uk Phorn**, 22 August 2009, p. 4; Case 003, **D4.1.1137**, Written Record of Interview of Witness **Sa Vi**, *alias* Sa Sarim, 5 December 2007, p. 5; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, pp. 6-7; Case 003, **D4.1.192**, Interview with **Khieu Samphan**, *alias* Hem, in Pailin on 17 August 2005, p. 1; Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session, Item 12 of the provisional agenda, "Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, with particular reference to Colonial and other Dependent Countries and Territories", 30 January 1979, p. 9.

¹⁸⁵ Case 003, **D4.1.807**, Written Record of Interview of Witness **Ieng Chham**, *alias* Chhi, 8 November 2009, pp. 7-8; Case 003, **D4.1.1128**, Written Record of Interview of Witness **Sao Phoeung**, 12 December 2007, p. 4; Case 003, **D4.1.828**, Written Record of Interview of Witness **Suon Kanil**, *alias* Neang, 19 August 2009, p. 3.

¹⁸⁶ Case 003, **D4.1.76**, Minutes of the DK Council of Ministers' 2nd Meeting, 21 May 1976, p. 8.

¹⁸⁷ Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D4.1.542**, Written Record of Interview of Witness **Him Tan**, 2 December 2008, p. 2; Case 003, **D4.1.545**, Written Record of Interview of Witness **Sin Chhem**, 5 December 2008, p. 2; Case 003, **D4.1.551**, Written Record of Interview of Witness **Tann Than**, 18 December 2008, p. 4; Case 003, **D4.1.825**, Written Record of Interview of Witness **Man Heang**, 10 December 2009, p. 3; Case 003, **D4.1.621**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 28 July 2009, p. 3; Case 003, **D4.1.626**, Written Record of Interview of Witness **Leng Chhoeung**, 17 July 2009, p. 5; Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 3.

¹⁸⁸ Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D4.1.540**, Written Record of Interview of Witness **Sokh Koeun**, *alias* Sin Savoeun, 20 November 2008, p. 3; Case 003, **D4.1.542**, Written Record of Interview of Witness **Him Tan**, 2 December 2008, p. 2; Case 003, **D4.1.825**, Written Record of Interview of Witness **Man Heang**, 10 December 2009, p. 3; Case 003, **D4.1.621**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 28 July 2009, p. 3; Case 003, **D4.1.626**, Written Record of Interview of Witness **Leng Chhoeung**, 17 July 2009, pp. 5-6; Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 3.

¹⁸⁹ Case 003, **D4.1.792**, Written Record of Interview of Witness **Pech Sokha**, 12 October 2009, p. 8.

¹⁹⁰ Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976, p. 11; Case 003, **D4.1.811**, Written Record of Interview of Witness **Yun Kim**, *alias* Ta Kham, 12 November 2009, p. 4.

¹⁹¹ Case 003, **D10.1.56**, Written Record of Interview of Witness **Hok Hoeun**, *alias* Hoeun, 23 November 2008, p. 3; Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima, Peru, on 8 September 1975, p. 1; Case 003, **D4.1.448**, Written Record of Interview of Witness **Ung Chhat**, 31 January 2009, pp. 5-7.

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¹⁹³ Case 003, **D4.1.965**, Note Takings (**Khieu Samphan and Nuon Chea**), Pailin, Cambodia, June 9-11, 2006, by Men-Try Ea and Sopheak Loeung, pp. 4, 10; Case 003, **D4.1.522**, Written Record of Interview of Witness **Sou Socun**, 5 July 2009, p. 5; Case 003, **D4.1.479**, Written Record of Interview of Witness **Sim Tun**, 4 August 2008, p. 4; Case 003, **D4.1.655**, Telegram 227, 26 January 1978, p. 366; Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D4.1.847**, Written Record of Interview of Witness **Prum Sou**, *alias* Sun Loeun, 24 November 2009, p. 5; Case 003, **D4.1.587**, Written Record of Interview of Witness **Thiounn Prasith**, 8 June 2009, pp. 2, 3, 6; Case 003, **D4.1.427**, Written Record of Interview of Witness **Srei Phan**, *alias* Duch, 16 September 2018, p. 4; Case 003, **D4.1.462**, Written Record of Interview of Witness **Sum Alat**, *alias* Chhong Lat, 10 June 2008, pp. 6-7; Case 003, **D4.1.621**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 28 July 2009, p. 4; Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 5; Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima,

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¹⁹⁷ Case 003, **D4.1.836**, Written Record of Interview of Witness **Yung Yem**, *alias* Yung Moeun, 31 August 2009, p. 4; Case 003, **D4.1.542**, Written Record of Interview of Witness **Him Tan**, 2 December 2008, p. 3; Case 003, **D4.1.543**, Written Record of Interview of Witness **Duong Uon**, 3 December 2008, p. 4; Case 003, **D4.1.822**, Written Record of Interview of Witness Som Chhom, 10 December 2009, p. 6; Case 003, **D4.1.559**, Written Record of Interview of Witness **Din Oeun**, *alias* Daung Oeun, 13 January 2009, p. 3; Case 003, **D4.1.544**, Written Record of Interview of Witness **Kev Chea**, 4 December 2008, p. 3.

¹⁹⁸ Case 004/2, **D359**, Closing Order in Case 004/2, 16 August 2018, para. 96, pp. 23-24 (Classification: Public).

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²⁰⁰ Case 003, **D4.1.542**, Written Record of Interview of Witness **Him Tan**, 2 December 2008, p. 3; Case 003, **D4.1.544**, Written Record of Interview of Witness **Kev Chea**, 4 December 2008, pp. 2-3.

²⁰¹ Case 004/2, **D359**, Closing Order in Case 004/2, 16 August 2018, para. 96, pp. 23-24 (Classification: Public).

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²⁰⁷ Case 003, **D4.1.1059**, Written Record of Interview of Witness **Uk Soeum**, *alias* San, 3 March 2010, p. 5.

²⁰⁸ Case 003, **D4.1.816**, Written Record of Interview of Witness **Sao Hean**, 21 November 2009, p. 5 Case 003, **D4.1.806**, Written Record of Interview of Witness **Cheang Sreimom**, 11 November 2009, p. 3; Case 003, **D4.1.825**, Written Record of Interview of Witness **Man Heang**, 10 December 2009, p. 3.

²⁰⁹ Case 003, **D4.1.816**, Written Record of Interview of Witness **Sao Hean**, 21 November 2009, p. 5; Case 003, **D10.1.56**, Written Record of Interview of Witness **Hok Hoeun**, *alias* Hoeun, 23 November 2008, p. 4; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 7; Case 003, **D4.1.1155**, Written Record of Interview of Witness **Sum Chea**, *alias* Chea, 6 March 2008, p. 3; Case 003, **D10.1.49**, Written Record of Interview of Witness **Vung Chhin**, 18 July 2008, p. 4.

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²¹¹ Case 003, **D4.1.911**, Written Record of Interview of Witness **Iep Duch**, 30 October 2007, p. 5; Case 003, **D4.1.929**, Written Record of Interview of Witness **Khiev En**, 2 September 2009, p. 7; Case 003, **D4.1.914**, Written Record of Interview of Witness **Ouk Tuon**, 22 October 2007, p. 2; Case 003, **D4.1.1108**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 March 2008, p. 5; Case 003,

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²⁵³ Case 003, **D4.1.545**, Written Record of Interview of Witness **Sin Chhem**, 5 December 2008, p. 2; Case 003, **D4.1.842**, Written Record of Interview of Witness **Nam Che**, 28 October 2009, pp. 2-3; Case 003, **D4.1.364**, Written Record of Interview of Witness **Poey Pele**, *alias* Saom, 20 March 2008, p. 4 Case 003, **D4.1.621**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 28 July 2009, p. 4 Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 5; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 8; Case 003, **D4.1.397**, Written Record of Interview of Witness **Laurence PICQ**, 31 October 2008, p. 2; Case 003, **D4.1.941**, Written Record of Interview of Witness **Chim Sam At**, 20 July 2009, p. 4.

²⁵⁴ Case 003, **D4.1.842**, Written Record of Interview of Witness **Nam Che**, 28 October 2009, pp. 3-4; Case 003, **D4.1.1117**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 29 November 2007, p. 6; Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person **KAING Guek Eav alias Duch**, 23 August 2007, pp. 6-7; Case 003, **D4.1.191**, DC-Cam Interview with Kaing Guek Eav, aka Duch, 18 June 1999, p. 43; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 5; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 16; Case 003, **D4.1.964**, Steve Header Interview of Ieng Sary, *alias* Van, 17 December 1996, p. 19; Case 003, **D4.1.520**, Written Record of Interview of Witness **KE Pich Vannak alias Yuth**, 4 June 2009, pp. 16-17.

²⁵⁵ Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, p. 9; Case 003, **D4.1.1117**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 29 November 2007, p. 6; Case 003, **D1.3.17.1**, **Elizabeth Becker**, "When the War Was Over", p. 256; Case 003, **D4.1.191**, DC-Cam Interview with Kaing Guek Eav, aka Duch, 18 June 1999, p. 13; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 5; Case 003, **D4.1.1136**, Written Record of Interview of Witness **San Chheng**, *alias* Chheng, 5 December 2007, p. 5; Case 003, **D4.1.1149**, Written Record of Interview of Witness **Ros Suy**, *alias* Suy, 14 March 2008, p. 7; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 24; Case 003, **D4.1.1044**, Written Record of Interview of Witness **Phan Thi**, *alias* Thi, *alias* Phea, 5 March 2010, p. 2; Case 003, **D4.1.616**, Written Record of Interview of Witness **Sa Siek**, 24 March 2009, p. 11; Case 003, **D1.3.17.4**, Huy Vannak, "The Khmer Rouge Division 703: From Victory to Self-Destruction", p. 68; Case 003, **D4.1.1152**, Written Record of Interview of Witness **Sim Hao**, *alias* That, 5 March 2008, p. 3; Case 003, **D4.1.432**, Written Record of Interview of Witness **Thing Leap**, *alias* Ting Lanh, 28 October 2008, p. 3; Case 003, **D4.1.520**, Written Record of Interview of Witness **KE Pich Vannak alias Yuth**, 4 June 2009, pp. 16-17; Case 003, **D4.1.554**, Written Record of Interview of Witness **Lay Ean**, *alias* Oeun, 7 January 2009, p. 3; Case 003, **D4.1.839**, Written Record of Interview of Witness **Yung Yem**, *alias* Yung Moeun, 21 October 2009, p. 6; Case 003, **D4.1.364**, Written Record of Interview of Witness **Poey Pele**, *alias* Saom, 20 March 2008, p. 4.

²⁵⁶ Case 003, **D4.1.520**, Written Record of Interview of Witness **KE Pich Vannak alias Yuth**, 4 June 2009, pp. 16-17; Case 003, **D4.1.941**, Written Record of Interview of Witness **Chim Sam At**, 20 July 2009, p. 4; Case 003, **D4.1.551**, Written Record of Interview of Witness **Tann Than**, 18 December 2008, p. 5; Case 003,

D1.3.30.29, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 37; Case 003, **D4.1.191**, DC-Cam Interview with Kaing Guek Eav, aka Duch, 18 June 1999, p. 36; Case 003, **D1.3.17.1, Elizabeth Becker**, “When the War Was Over”, p. 255.

²⁵⁷ Case 003, **D4.1.621**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 28 July 2009, p. 4; Case 003, **D4.1.191**, DC-Cam Interview with Kaing Guek Eav, aka Duch, 18 June 1999, p. 3; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 39; Case 003, **D4.1.1149**, Written Record of Interview of Witness **Ros Suy**, *alias* Suy, 14 March 2008, p. 7; Case 003, **D10.1.64**, Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 15; Case 003, **D4.1.616**, Written Record of Interview of Witness **Sa Siek**, 24 March 2009, p. 12; Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 16-17 Case 003, **D4.1.364**, Written Record of Interview of Witness **Poey Pele**, *alias* Saom, 20 March 2008, p. 4; Case 003, **D4.1.1059**, Written Record of Interview of Witness **Uk Soeum**, *alias* San, 3 March 2010, p. 5.

²⁵⁸ Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 4; Case 003, **D4.1.1107**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 February 2008, pp. 3-4.

²⁵⁹ Case 003, **D1.3.30.28**, United Nations Economic and Social Council, Commission on Human Rights, Thirty-fifth session, Item 12 of the provisional agenda, “Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World, with particular reference to Colonial and other Dependent Countries and Territories”, 30 January 1979, p. 2.

²⁶⁰ Case 003, **D4.1.850**, Written Record of Interview of Witness **Soutr Toeung**, 2 December 2009, p. 10; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Vooun**, *alias* Svay Vooun, 16 December 2009, p. 5; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 7; Case 003, **D4.1.835**, Written Record of Interview of Witness **Salot Ban**, *alias* Lot Nitya *alias* Sau Hong, 22 July 2009, p. 3; Case 003, **D4.1.836**, Written Record of Interview of Witness **Yung Yem**, *alias* Yung Moeun, 31 August 2009, pp. 3-4; Case 003, **D4.1.367**, Written Record of Interview of Witness **Uch Sorn**, 28 March 2008, p. 3; Case 003, **D4.1.369**, Written Record of Interview of Witness **Chan Khan**, 31 March 2008, p. 4; Case 003, **D4.1.415**, Written Record of Interview of Witness **Sos Ponyamin**, *alias* Sos Min, 16 August 2008, p. 3; Case 003, **D4.1.421** Written Record of Interview of Witness **Chuch Punlork**, *alias* Ponlork, 26 August 2008, p. 7; Case 003, **D4.1.447**, Written Record of Interview of Witness **Chak Muli**, 13 January 2009, p. 9; Case 003, **D4.1.432**, Written Record of Interview of Witness **Thing Leap**, *alias* Ting Lanh, 28 October 2008, p. 5; Case 003, **D4.1.455**, Written Record of Interview of Witness **Yim Sophat**, *alias* Phat, 29 May 2008, p. 7; Case 003, **D4.1.462**, Written Record of Interview of Witness **Sum Alat**, *alias* Chhong Lat, 10 June 2008, p. 4; Case 003, **D4.1.505**, Written Record of Interview of Witness **Sum Sokhan**, *alias* Sreang, 13 February 2009, p. 5; Case 003, **D4.1.844**, Written Record of Interview of Witness **Prak Yut**, *alias* Yeay Yut, 18 November 2009, p. 5; Case 003, **D10.1.60** Written Record of Interview of Civil Party **AFFONCO Denise**, 3 June 2009, p. 7; Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 3; Case 003, **D4.1.551**, Written Record of Interview of Witness **Tann Than**, 18 December 2008, p. 4; Case 003, **D4.1.822**, Written Record of Interview of Witness Som Chhom, 10 December 2009, p. 4; Case 003, **D4.1.196**, the True Fact about Pol Pot’s Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, pp. 6-7; Case 003, **D10.1.65**, Written Record of Interview of

Witness **Uk Phorn**, 22 August 2009, p. 4; Case 003, **D4.1.795**, Written Record of Interview of Witness **Sau Khon**, 25 October 2009, p. 4.

²⁶¹ Case 003, **D4.1.411**, Written Record of Interview of Witness **Teh Sren**, 13 August 2008, p. 4; Case 003, **D4.1.421** Written Record of Interview of Witness **Chuch Punlork**, *alias* Punlork, 26 August 2008, p. 7; Case 003, **D4.1.455**, Written Record of Interview of Witness **Yim Sophat**, *alias* Phat, 29 May 2008, p. 7; Case 003, **D4.1.464**, Written Record of Interview of Witness **Im An**, 17 June 2008, pp. 4-5; Case 003, **D4.1.508**, Written Record of Interview of Witness **Chan Man**, *alias* Chuop Sokhon, *alias* Kuy *alias* Et, 4 March 2009, p. 6; Case 003, **D4.1.512**, Written Record of Interview of Witness **Lach Kri**, 24 September 2008, p. 4; Case 003, **D4.1.519**, Written Record of Interview of Witness **Chi Ly**, *alias* Sit Ly, 21 May 2009, p. 5; Case 003, **D4.1.562**, Written Record of Interview of Witness **Ut Seng**, 14 January 2009, p. 8; Case 003, **D4.1.565**, Written Record of Interview of Witness **Saom Phan**, 30 January 2009, p. 5; Case 003, **D4.1.521**, Written Record of Interview of Witness **Tep Por**, 4 July 2009, p. 6; Case 003, **D4.1.844**, Written Record of Interview of Witness **Prak Yut**, *alias* Yeay Yut, 18 November 2009, p. 5; Case 003, **D10.1.60** Written Record of Interview of Civil Party **AFFONCO Denise**, 3 June 2009, p. 8; Case 003, **D4.1.538**, Written Record of Interview of Witness **Chum Lorn**, 19 November 2008, p. 3; Case 003, **D4.1.539**, Written Record of Interview of Witness **Meas Laihuo**, 20 November 2008, p. 4; Case 003, **D4.1.540**, Written Record of Interview of Witness **Sokh Koeun**, *alis* Sin Savoeun, 20 November 2008, p. 3; Case 003, **D4.1.546**, Written Record of Interview of Witness **Heng Nea**, 10 December 2008, p. 3; Case 003, **D4.1.551**, Written Record of Interview of Witness **Tann Than**, 18 December 2008, p. 4; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 7; Case 003, **D10.1.65**, Written Record of Interview of Witness **Uk Phorn**, 22 August 2009, p. 4.

²⁶² Case 003, **D4.1.850**, Written Record of Interview of Witness **Soutr Toeung**, 2 December 2009, p. 10; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 7; Case 003, **D4.1.844**, Written Record of Interview of Witness **Prak Yut**, *alias* Yeay Yut, 18 November 2009, p. 5; Case 003, **D4.1.462**, Written Record of Interview of Witness **Sum Alat**, *alias* Chhong Lat, 10 June 2008, p. 4; Case 003, **D4.1.415**, Written Record of Interview of Witness **Sos Ponyamin**, *alias* Sos Min, 16 August 2008, p. 3; Case 003, **D4.1.464**, Written Record of Interview of Witness **Im An**, 17 June 2008, pp. 4-5; Case 003, **D4.1.505**, Written Record of Interview of Witness **Sum Sokhan**, *alias* Sreang, 13 February 2009, p. 5; Case 003, **D4.1.508**, Written Record of Interview of Witness **Chan Man**, *alias* Chuop Sokhon, *alias* Kuy *alias* Et, 4 March 2009, p. 6; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 7.

²⁶³ Case 003, **D4.1.587**, Written Record of Interview of Witness **Thiounn Prasith**, 8 June 2009, p. 3.

²⁶⁴ The ICTR in Brief: <http://unictr.unmict.org/en/tribunal>; The Genocide: <http://unictr.unmict.org/en/genocide>.

²⁶⁵ Bosnian Genocide, Bosina: <https://infogram.com/bosnian-genocide-1grv02gr0yojp1x>

²⁶⁶ Case 003, **D4.1.864**, CPK Magazine entitled "Revolutionary Flag", Special Issue, September 1977, p. 15; Case 003, **D4.1.886**, CPK Magazine entitled "Revolutionary Flag", Special Issue, September-October 1976, p. 6; Case 003, **D4.1.1122**, the submission of KAING Guek Eav's response to the Co Investigating Judges' written questions, 21 October 2008, p. 2 Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 4.

²⁶⁷ Case 003, **D1.3.22.1**, CPK Legal Document entitled "Communist Party of Kampuchea Statute."

²⁶⁸ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute.” Case 003, **D4.1.871**, CPK Magazine entitled “Revolutionary Flag”, Issue 9, September 1978, p. 22.

²⁶⁹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Articles 1(1)(a), 1(2)(b), 27-28, pp. 6, 7-8, 25-26.

²⁷⁰ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 1(2)(a), pp. 6-7.

²⁷¹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Articles 7, 21-25, pp. 17, 23-24.

²⁷² Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 1(2)(c), pp. 8-9.

²⁷³ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Articles 7, 23, pp. 17, 24; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 11; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 3; Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person **KAING Guek Eav** *alias* Duch, 23 August 2007, pp. 8-9; Case 003, **D1.3.33.5**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 September 2007, p. 5; Case 003, **D4.1.1115**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 October 2007, p. 3; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5.

²⁷⁴ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 6, p. 16.

²⁷⁵ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, p. 3; Case 003, **D1.3.24.2**, CPK Magazine entitled “Revolutionary Flag”, Issue 7, July 1976, pp. 4, 30, 53.

²⁷⁶ Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2.

²⁷⁷ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 3.

²⁷⁸ Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, pp. 2-3; Case 003, **D4.1.855**, Written Record of Interview of Witness **LONH Dos**, 23 July 2009, pp. 2-3; Case 003, **D4.1.620**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 25 July 2009, p. 5; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10; Case 003, **D4.1.520**, Written Record of Interview of Witness **KE Pich Vannak** *alias* Yuth, 4 June 2009, pp. 15-16; Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, p. 16; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D1.3.33.4**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 24 June 2008, p. 8; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 4; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, pp. 7-8; Case 003, **D4.1.948**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 July 2002, p. 3; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, pp. 9-10

Case 003, **D1.3.33.4**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 24 June 2008, p. 8; Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D4.1.346**, Written Record of Interview of Witness **Mam Nai**, *alias* Chan, 7 November 2007, pp. 6-7, 18.

²⁷⁹ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 38, p. 18 (Classification: Public).

²⁸⁰ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 38, p. 18 (Classification: Public).

²⁸¹ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Koy Thuon *alias* Khuon, No. 4114) p. 180; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11.

²⁸² Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 38, p. 18 (Classification: Public).

²⁸³ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Maen San *alias* Ya, No. 5145), p. 224.

²⁸⁴ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11.

²⁸⁵ Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 2; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 4.

²⁸⁶ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11.

²⁸⁷ Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 2; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5.

²⁸⁸ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Articles 21-25, pp. 23-24; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10.

²⁸⁹ Case 003, **D4.1.649**, DK Document entitled “the 5th Pol Pot-Ieng Sary Congress in November 1978”, 2 November 1978, in French; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 58.

²⁹⁰ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2.

²⁹¹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2; Case 001, **E1/29.1**, Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public): (The Central Committee had four labels. The lowest were the assistants to the Centre. These people had the right to attend study sessions with other people but during the general meeting of the Centre they did not have any rights to make any comments. (...) People who were classified as assistants to the Centre first were Chhim Sam-Aok *alias* Pang and Sou Met and Meas Mut also included in. I cannot grasp how many people there were and above them there were candidate members of the Centre. They had significant authority, for example, during the general meeting. They attended the meeting and they had the rights to make comments. The candidate member whom I know was Brother 81, the Deputy Secretary of the General Staff. Above them, the full-rights members of the Centre. These people had the right to attend study sessions, had the right to make comments in those sessions, and had the right to vote and make any decision on any kind of

political line. I would like to raise two members – a few members of the full-rights members who died, Brother Pork, the Secretary of the North Zone who was one of the full-rights members of the Centre. Kuy Thuon also was the full right member. Above them it was the Standing Committee. From one meeting to another the person who was in charge of implementing such policies was the Standing Committee. They had the authority, the rights to decide on any matters decided by the general meeting. And in that Standing Committee my superior was the seventh person, while Pol Pot was number one person.); Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5: (7 key persons of the Party: first, POL Pot, Party Secretary. Until 1979, I do not have to mention his publicly-called official name. In the Party, he was called *Bang* Pol and after 1979 Dong, *alias Um* Thom, *alias Um* Phem. Second, NUON Chea – I do not know his name at birth. Before 1979, he was called *Bang* Nuon, the first Deputy Secretary of the Party Centre. Third, SAO Yan, *alias* Phim, the second Deputy Secretary in charge of the East Zone. Fourth, UNG Choeun, *alias* Mok, in charge of the Southwest [Zone]. Fifth, IENG Sary, full-rights Member of the Party Centre. Sixth, VORN Vet, permanent candidate Member of the Center. Seventh, SON Sen, *alias* Khieu, permanent candidate Member of the Center.)

²⁹² Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2; Case 001, **E1/29.1**, Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public).

²⁹³ Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person KAING Guek Eav *alias* Duch, 23 August 2007, pp. 8-9.

²⁹⁴ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 23, p. 24.

²⁹⁵ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

²⁹⁶ Case 003, **D1.3.33.3**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 August 2007, p. 5; Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person KAING Guek Eav *alias* Duch, 23 August 2007, pp. 8-9 Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5.

²⁹⁷ Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 5; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7; Case 003, **D4.1.626**, Written Record of Interview of Witness **Leng Chhoeung**, 17 July 2009, p. 7; Case 003, **D4.1.1137**, Written Record of Interview of Witness **Sa Vi**, *alias* Sa Sarim, 5 December 2007, p. 6.

²⁹⁸ Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Case 003, **D1.3.33.7**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 2; Case 003, **D4.1.948**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 July 2002, p. 3; Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 2-3.

²⁹⁹ Case 003, **D4.1.1124**, Written Record of Interview of Witness **Chea Say**, 11 December 2007, p. 3; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge’s Written Questions, 20 November 2009, p. 7.

³⁰⁰ Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2.

³⁰¹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Articles 21-25, pp. 23-24.

³⁰² Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person KAING Guek Eav *alias* Duch, 23 August 2007, pp. 8-9.

³⁰³ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

³⁰⁴ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

³⁰⁵ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10.

³⁰⁶ Case 003, **D1**, Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 83, pp. 28-29.

³⁰⁷ Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 4; Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 2-3: Duch indicated that Nat expressed his envy when Sam Bit, **Meas Mut**, Soeun and Sou Met became assistants to the Centre; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17: Duch said that he had ever heard the names of the Central Committee members including Khieu Samphan, Pauk, Pal Sarun, Sam Bith, **Meas Muth**, Sou Meth and Soeung); Case 003, **D4.1.766**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 21 October 2009, p. 3 (The training was, thus, intended for cadre at the battalion, regiment and brigade level, except for **Meas Mut** and Sou Met, who were centre cadre); Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11: The central committee consisted of more than 30 members, but I don’t remember the names of all those members. Among them was Meas Mut, Ta Mok’s son-in-law, the secretary of one of the military sectors attached to Kampot province. Afterwards it was transferred into the marine force.)

³⁰⁸ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11.

³⁰⁹ Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008.

³¹⁰ Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, pp. 2-3; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D4.1.620**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 25 July 2009, p. 5; Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 15-16; Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, p. 16; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D1.3.33.4**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 24 June 2008, p. 8; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, pp. 7-8; Case 003, **D4.1.948**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 July 2002, p. 3; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, pp. 9-10; Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D4.1.346**, Written Record of Interview of Witness **Mam Nai**, *alias* Chan, 7 November 2007, pp. 6-7, 18.

³¹¹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 24, p. 24.

³¹² Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, pp. 1-3; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Case 001, **E1/29.1**, Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public); Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2.

³¹³ Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, pp. 7-8; Case 001, **E1/29.1**, Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public); Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2.

³¹⁴ Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7; Case 001, **E1/19.1**, Transcripts of Proceedings – “Duch” Trial, 30 April 2009, p. 19 (Classification: Public); Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, pp. 2-3; Case 003, **D1.3.33.7**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 2; Case 003, **D4.1.948**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 July 2002, p. 3; Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public); Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 2-3: (The Assisting Committee: Sam Bith, Meas Mut, Cheng An, Chhim Sam Aok *alias* Pang; The assistants, reserve members and full-right members did not have the rights to attend weekly meetings and discussions, but the standing committee members. The General Staff was in charge of implementing orders by Pol Pot and Son Sen implemented the orders (...). Duch indicated that Nat expressed his envy when Meas Mut and Sam Bit was appointed as members of the Central Committee in 1975.)

³¹⁵ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 2-3.

³¹⁶ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 11.

³¹⁷ Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7; Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 1; Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public).

³¹⁸ Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public).

³¹⁹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975.

³²⁰ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 5-6.

³²¹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975; Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, pp. 1-2; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 6; Transcript of Trial Proceedings – KAING Guek Eav “Duch”, 9 June 2009, pp. 28-29 (Classification: Public); Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 2.

³²² Case 003, **D4.1.649**, DK Document entitled “the 5th Pol Pot-Ieng Sary Congress in November 1978”, 2 November 1978, in French; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 58.

³²³ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 23, p. 24: (The tasks of the Central Committee are: 1. Implement the Party political line and Statute throughout the Party, 2. Instruct all the Zone and Sector-City organizations and Party organizations responsible for various matters to carry out activities according to the political line, and ideological and organizational principles and stances in accordance with the tasks of national defense and Building Democratic Kampuchea and in accordance with the Party direction of socialist revolution and Building socialism, 3. Govern and arrange cadres and Party members throughout the entire Party, along with all core organizations, by constantly, clearly, and closely grasping personal histories, political, ideological, and organizational stances, and closely and constantly arming them politically, ideologically, and organizationally.)

³²⁴ Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7.

³²⁵ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 2-3; Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 4.

³²⁶ Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976; Case 003, **D4.1.635**, Mut’s Confidential Telephone Messages on 1 April 1978; Case 003, **D1.3.12.2**, Mut’s Report: “Dear Brother 89 with respect”, 6 February in an unspecified year.

³²⁷ Case 003, **D4.1.1020**, Mut’s Telegram “To respected Brother 89”, 20 February 1976; Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976; Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976; Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled “Dear respected Brother 89”, 19 October 1976 (reporting that the wife of Achar Kang was hospitalized; Son Sen requested Nuon Chea to have further investigations conducted); Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “To beloved and missed Comrade Mut”, 4 November 1976 (Son Sen instructed that any enemy illegally entering the land and maritime territories be smashed); Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.34.64**, Mut’s Confidential Telephone Communication to Respected Brother 89, 29 March 1978; Case 003, **D4.1.637**, Mut’s Confidential Telephone Message to Respected Brother 89, 4 April 1978; Case 003, **D1.3.12.2**, Mut’s Report: “Dear Brother 89 with respect”, 6 February in an unspecified year.

³²⁸ Case 003, **D4.1.1031**, Deputy Prime Minister Ieng Sary’s Speech to Comrade Phan Hien of the Ministry of Foreign Affairs of People Republic of Vietnam, 19 May 1976.

³²⁹ Case 003, **D1**, Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 95, p. 34.

³³⁰ Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, p. 3; Case 001, **E1/19.1**, Transcripts of Proceedings – “Duch” Trial, 30 April 2009, p. 19 (Classification: Public).

³³¹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, pp. 11-12.

³³² Case 001, **E1/19.1**, Transcripts of Proceedings – “Duch” Trial, 30 April 2009, p. 19 (Classification: Public).

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- ³³³ Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977.
- ³³⁴ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10.
- ³³⁵ Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, pp. 3-4.
- ³³⁶ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10.
- ³³⁷ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 1-2.
- ³³⁸ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 2.
- ³³⁹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5.
- ³⁴⁰ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5.
- ³⁴¹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5.
- ³⁴² Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 4.
- ³⁴³ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 11.
- ³⁴⁴ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5.
- ³⁴⁵ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.407**, Written Record of Interview of Witness **Khun Kim**, *alias* Nuon Paet, 30 April 2008, p. 4; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 4; Case 003, **D10.1.50**, Written Record of Interview of Witness **Suong Sikoeun**, *alias* Kung, *alias* Thorn, 12 March 2009, p. 3; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 6; Case 003, **D4.1.620**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 25 July 2009, p. 5; Case 003, **D4.1.767**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 October 2009, p. 7; Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, pp. 2-3; Case 003, **D4.1.1116**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 November 2007, p. 6; Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5; Case 003, **D4.1.587**, Written Record of Interview of Witness **Thiounn Prasith**, 8 June 2009, p. 4.
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³⁴⁶ Case 003, **D4.1.1111**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 1 April 2008, pp. 6-7; Case 003, **D4.1.767**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 October 2009, p. 7; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7 Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge's Written Questions, 20 November 2009, p. 6.

³⁴⁷ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge's Written Questions, 20 November 2009, p. 6; Case 003, **D4.1.587**, Written Record of Interview of Witness **Thiounn Prasith**, 8 June 2009, p. 4; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17.

³⁴⁸ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.4**, Timothy CARNEY's Analytical Report entitled "the Organization of People" published in a book edited by Karl Jackson, entitled: "Cambodia 1975-1978: Rendezvous with Death", p. 3 [in the Khmer-language translation].

³⁴⁹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17 (As for Ieng Sary, Duch is not sure if he was promoted to the third secretary or remained the full-right member).

³⁵⁰ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17 (As for Son Sen, Duch is not sure if he was promoted to the full-right member or remained the candidate member).

³⁵¹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17 (As for Khieu Samphan, Duch is not sure he was promoted to the full-right member or remained the candidate member).

³⁵² Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 58.

³⁵³ Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975; Case 003, **D4.1.88**, Minutes of Meeting of the CPK Standing Committee, 9 January 1976; Case 003, **D1.3.27.2**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D4.1.93**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D4.1.915**, Minutes of Meeting of the CPK Standing Committee, 28 February 1976; Case 003, **D4.1.95**, Minutes of Meeting of the CPK Standing Committee, the Front, 11 March 1976; Case 003, **D4.1.66**, Minutes of Meeting of the CPK Standing Committee, 11 March 1976; Case 003, **D4.1.67**, Minutes of Meeting of the CPK Standing Committee, 13 March 1976; Case 003, **D1.3.27.3**, Minutes of Meeting of the CPK Standing Committee, 26 March 1976; Case 003, **D4.1.69**, Minutes of Meeting of the CPK Standing Committee, 3 May 1976; Case 003, **D4.1.70**, Minutes of Meeting of the CPK Standing Committee, 7 May 1976; Case 003, **D1.3.27.6**, Minutes of Meeting of the CPK Standing Committee, 14 May 1976; Case 003, **D1.3.27.7**, Minutes of Meeting of the CPK Standing Committee, 15 May 1976; Case 003, **D4.1.74**, Minutes of Meeting of the CPK Standing Committee, 17 May 1976; Case 003, **D1.3.27.9**, Minutes of Meeting of the CPK Standing Committee, 30 May 1976.

³⁵⁴ Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975, p. 4; Case 003, **D4.1.88**, Minutes of Meeting of the CPK Standing Committee, 9 January 1976; Case 003, **D1.3.27.2**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D4.1.93**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D4.1.915**, Minutes of Meeting of the CPK Standing Committee, 28 February 1976; Case 003, **D4.1.95**, Minutes of Meeting of the CPK Standing Committee, the Front, 11 March 1976; Case 003, **D4.1.66**, Minutes of Meeting of the CPK Standing Committee, 11 March 1976; Case 003, **D4.1.67**, Minutes of Meeting of the CPK Standing Committee, 13 March 1976; Case 003, **D1.3.27.3**, Minutes of Meeting of the CPK Standing Committee, 26 March 1976; Case 003, **D4.1.69**, Minutes of Meeting of the CPK Standing Committee, 3 May 1976; Case 003, **D4.1.70**, Minutes of Meeting of the CPK Standing Committee, 7 May 1976; Case 003, **D1.3.27.6**, Minutes of Meeting of the CPK Standing Committee, 14 May 1976; Case 003, **D1.3.27.7**, Minutes of Meeting of the CPK Standing Committee, 15 May 1976; Case 003, **D4.1.74**, Minutes of Meeting of the CPK Standing Committee, 17 May 1976; Case 003, **D1.3.27.9**, Minutes of Meeting of the CPK Standing Committee, 30 May 1976.

³⁵⁵ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10; Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7.

³⁵⁶ Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 7; Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 17; Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2.

³⁵⁷ Case 003, **D1.3.27.3**, Minutes of Meeting of the CPK Standing Committee, 26 March 1976, p. 1.

³⁵⁸ Case 001, **E1/19.1**, Transcripts of Proceedings – “Duch” Trial, 30 April 2009, p. 19 (Classification: Public).

³⁵⁹ Case 003, **D4.1.404**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 November 2008, p. 10.

³⁶⁰ Case 003, **D4.1.404**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 November 2008, p. 10.

³⁶¹ Case 001, **E1/19.1**, Transcripts of Proceedings – “Duch” Trial, 30 April 2009, p. 19 (Classification: Public).

³⁶² Case 003, **D4.1.613**, Written Record of Interview of Witness Phan Van, *alias* Kham Phan, 10 March 2009, p. 3; Case 003, **D4.1.782**, Written Record of Interview of Witness **Suon Kanil**, 21 August 2009, pp. 2-3; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 6.

³⁶³ Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 2; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 4; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge’s Written Questions, 20 November 2009, p. 6; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 5.

³⁶⁴ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 2; Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 5; Case 003, **D4.1.1137**, Written Record of Interview of Witness **Sa Vi**, *alias* Sa Sarim, 5 December 2007, pp. 3-4; Case 003,

D4.1.1074, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, pp. 2-3.

³⁶⁵ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 2.

³⁶⁶ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 2.

³⁶⁷ Case 003, **D4.1.1122**, the submission of KAING Guek Eav's response to the Co Investigating Judges' written questions, 21 October 2008, p. 9 (In the footnote: I have just learnt the document regarding the Ministry of S-71 very recently. S-71 supervised more than 10 ministries).

³⁶⁸ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 1; Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 2; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 7; Case 003, **D4.1.192**, Interview with **Khieu Samphan**, *alias* Hem, in Pailin on 17 August 2005, pp. 1-2; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 6; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 7.

³⁶⁹ Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 3; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 4; Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phoun**, *alias* Vycheam, 5 December 2007, p. 7; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, pp. 5-6.

³⁷⁰ Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 3.

³⁷¹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 3-4; Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, "Decision of the Central Committee regarding a Number of Matters", 30 March 1976, p. 1; Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phoun**, *alias* Vycheam, 5 December 2007, p. 7; Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, pp. 2-3; Case 003, **D4.1.192**, Interview with **Khieu Samphan**, *alias* Hem, in Pailin on 17 August 2005, p. 1; Case 003, **D4.1.216**, Telegram 15 from Chhon to Beloved Brother Pol, 30 November 1975, p. 1.

³⁷² Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 4.

³⁷³ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 2; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.611**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 18 February 2009, p. 6; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, pp. 5-6; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7; Case 003, **D4.1.924**, Written Record of Interview of Witness **Pean Khean**, 27 August 2009, p. 3; Case 003, **D4.1.626**, Written Record of Interview of Witness **Leng Chhoeung**, 17 July 2009, p. 7; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 3; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 6; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge's Written Questions, 20 November 2009, p. 7.

³⁷⁴ Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 6; Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 5.

³⁷⁵ Case 003, **D4.1.627**, Written Record of Interview of Witness **Noem Sem**, 18 July 2009, p. 4; Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 5; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7; Case 003, **D4.1.626**, Written Record of Interview of Witness **Leng Chhoeung**, 17 July 2009, p. 7; Case 003, **D4.1.1137**, Written Record of Interview of Witness **Sa Vi**, *alias* Sa Sarim, 5 December 2007, p. 6.

³⁷⁶ Case 003, **D4.1.1124**, Written Record of Interview of Witness **Chea Say**, 11 December 2007, p. 3.

³⁷⁷ Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 5.

³⁷⁸ Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 3; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.611**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 18 February 2009, p. 6.

³⁷⁹ Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phuon**, *alias* Vycheam, 5 December 2007, pp. 6-7; Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 3; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7.

³⁸⁰ Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5.

³⁸¹ Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, pp. 5-6; Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 5; Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 3; Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phuon**, *alias* Vycheam, 5 December 2007, p. 8.

³⁸² Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 6; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 5; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 7; Case 003, **D4.1.924**, Written Record of Interview of Witness **Pea Khean**, 27 August 2009, p. 3; Case 003, **D4.1.611**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 18 February 2009, p. 6; Case 003, **D4.1.613**, Written Record of Interview of Witness Phan Van, *alias* Kham Phan, 10 March 2009, p. 4; Case 003, **D4.1.1133**, Written Record of Interview of Witness **Seng Lytheng**, *alias* Theng, 4 December 2007, p. 3.

³⁸³ Case 003, **D4.1.611**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 18 February 2009, p. 6.

³⁸⁴ Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 5; Case 003, **D4.1.611**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 18 February 2009, pp. 6-8; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, pp. 11-12; Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October

2008, pp. 7-10; Case 003, **D1.3.33.13**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 December 2007, p. 5; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 5; Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phuon**, *alias* Vycheam, 5 December 2007, pp. 7-8.

³⁸⁵ Case 003, **D4.1.601**, Written Record of Interview of Witness **Seng Mon**, 14 February 2009, pp. 4-5.

³⁸⁶ Case 003, **D4.1.613**, Written Record of Interview of Witness Phan Van, *alias* Kham Phan, 10 March 2009, p. 4; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 10; Case 003, **D4.1.1132**, Written Record of Interview of Witness **Saut Tocung**, 4 December 2007, p. 3; Case 003, **D4.1.1074**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 14 December 2007, p. 3; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 5; Case 003, **D4.1.620**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 25 July 2009, p. 6; Case 003, **D4.1.1124**, Written Record of Interview of Witness **Chea Say**, 11 December 2007, p. 3; Case 003, **D4.1.1052**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 7 April 2010, p. 5; Case 003, **D4.1.601**, Written Record of Interview of Witness **Seng Mon**, 14 February 2009, pp. 6-7, 14; Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 7; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 3.

³⁸⁷ Case 003, **D4.1.782**, Written Record of Interview of Witness **Suon Kanil**, 21 August 2009, p. 2; Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, p. 6; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 3; Case 003, **D4.1.601**, Written Record of Interview of Witness **Seng Mon**, 14 February 2009, p. 19; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 3.

³⁸⁸ Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D4.1.1123**, Written Record of Interview of Witness **Phy Phuon**, *alias* Vycheam, 5 December 2007, p. 8; Case 003, **D4.1.406**, Written Comments and Answers by KAING Guek Eav *alias* Duch to the Co-Investigating Judge's Written Questions, 20 November 2009, p. 6. ¶

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³⁹³ Case 003, **D4.1.54**, First Plenary Session of the First Legislature of the People's Representative Assembly of Kampuchea, 14 April 1976, p. 6.

³⁹⁴ Case 003, **D4.1.620**, Written Record of Interview of Witness **Kim Vun**, *alias* Chhaom, 25 July 2009, p. 5; Case 003, **D4.1.54**, First Plenary Session of the First Legislature of the People's Representative Assembly of Kampuchea, 14 April 1976, p. 6.

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³⁹⁶ Case 003, **D1.3.27.5**, CPK Standing Committee Meeting Minutes entitled "Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976", p. 1.

³⁹⁷ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 1; Case 003, **D4.1.924**, Written Record of Interview of Witness **Pea Khean**, 27 August 2009, p. 4.

³⁹⁸ Case 003, **D1.3.22.2**, DK Legal Document entitled "The Constitution of Democratic Kampuchea", 5 January 1976, Articles 5,6, 7, p. 3.

³⁹⁹ Case 003, **D1.3.27.4**, Document on Conference I of Legislature I of the People's Representative Assembly of Kampuchea, 11-13 April 1976, p. 21.

⁴⁰⁰ Case 003, **D1.3.33.15**, Written Record of Interview of Charged Person **Khieu Samphan**, *alias* Hem, 13 December 2007, p. 10.

⁴⁰¹ Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 3.

⁴⁰² Case 003, **D1.3.22.2**, DK Legal Document entitled "The Constitution of Democratic Kampuchea", 5 January 1976, Articles 5, 6,7, p. 3.

⁴⁰³ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 17.

⁴⁰⁴ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 18.

⁴⁰⁵ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 18; Case 003, **D4.1.888**, CPK Magazine entitled "Revolutionary Flag", Special Issue, December 1976-January 1977, pp. 18, 21.

⁴⁰⁶ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 20.

⁴⁰⁷ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 16.

⁴⁰⁸ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 13.

⁴⁰⁹ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3.

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⁴¹¹ Case 003, **D1.3.24.2**, CPK Magazine entitled "Revolutionary Flag", Issue 7, July 1976, p. 32; Case 003, **D1.3.22.1**, CPK Legal Document entitled "Communist Party of Kampuchea Statute", Article 27, p. 25.

⁴¹² Case 003, **D1.3.22.2**, DK Legal Document entitled "The Constitution of Democratic Kampuchea", 5 January 1976, Article 14, p. 5; Case 003, **D1.3.22.1**, CPK Legal Document entitled "Communist Party of Kampuchea Statute", Article 27, p. 25.

⁴¹³ Case 003, **D1.3.24.2**, CPK Magazine entitled "Revolutionary Flag", Issue 7, July 1976, pp. 5-6;

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⁴¹⁹ Case 003, **D4.1.76**, Minutes of the DK Council of Ministers’ 2nd Meeting, 21 May 1976, p. 11.

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⁴²¹ Case 003, **D4.1.861**, CPK Magazine entitled “Revolutionary Flag”, Issue 08, August 1975, p. 13.

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⁴²⁵ Case 003, **D4.1.964**, Steve Header Interview of Ieng Sary, *alias* Van, 17 December 1996, pp. 8-35.

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⁴³¹ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 121, p. 35 (Classification: Public).

⁴³² Case 003, **D4.1.1032**, Interview of Ieng Sary, 22 July 1981, New York, at the UN Mission of Democratic Kampuchea, by Elizabeth Becker, p. 3; Case 003, **D4.1.964**, Steve Header Interview of Ieng Sary, *alias* Van, 17 December 1996, pp. 8-9; Case 003, **D1.3.33.2**, Australian ABC Interview of **Ieng Sary**, *alias* Van, published in the Phnom Penh Post, Issue 5/8, 6-19 September 1996, p. 6.

⁴³³ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 121, p. 35 (Classification: Public).

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⁴³⁵ Case 003, **D4.1.964**, Steve Header Interview of Ieng Sary, *alias* Van, 17 December 1996, p. 9; Case 003, **D4.1.566**, Written Record of Interview of Witness **Suong Sikoeun**, *alias* Kung or Thorn, 6 May 2009, p. 7.

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⁴³⁹ Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, pp. 2-6; Case 003, **D4.1.964**, Steve Header Interview of Ieng Sary, *alias* Van, 17 December 1996, pp. 8-10; Case 003, **D4.1.199**, Steve Heder, A Discussion with Ieng Sary, 4 January 1999, p. 1; Case 003, **D1.3.33.2**, Australian ABC Interview of **Ieng Sary**, *alias* Van, published in the Phnom Penh Post, Issue 5/8, 6-19 September 1996, p. 6; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 2; Case 003, **D4.1.566**, Written Record of Interview of Witness **Suong Sikoeun**, *alias* Kung or Thorn, 6 May 2009, p. 7; **D4.1.58**, International Media Article, **Suong Sikeuan** Open Letter, 15-18 November 1996, p. 1; Case 003, **D4.1.398**, **Suong Sikoeu's** Response to the Phnom Penh Post, 15-18 November 1996, p. 1.

⁴⁴⁰ Case 003, **D4.1.767**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 October 2009, pp. 2-3, 5-7; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, p. 9.

⁴⁴¹ Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, p. 6; Case 003, **D4.1.1122**, the submission of **KAING Guek Eav's** response to the Co Investigating Judges' written questions, 21 October 2008, p. 10.

⁴⁴² Case 003, **D4.1.855**, Written Record of Interview of Witness **LONH Dos**, 23 July 2009, pp. 3-4; Case 003, **D4.1.845**, Written Record of Interview of Witness **Lonh Dos**, 20 November 2009, pp. 4-5.

⁴⁴³ Case 003, **D4.1.766**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 21 October 2009, p. 6.

⁴⁴⁴ Case 003, **D4.1.766**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 21 October 2009, p. 5.

⁴⁴⁵ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 84, p. 29.

⁴⁴⁶ Case 003, **D1.3.7.8**, The Cambodia Daily, "Let Bygones Be Bygones", Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2 (**Meas Mut** acknowledged that he met with Son Sen a few times to receive orders from the Central Committee); Case 003, **D1.3.33.16**, Interview with **Meas Muth**, by Christine Chaumeau and Bou Saroeun, 20 July 2011, p. 1; there are documents of 14 meetings between senior cadres of divisions and independent regiments and more meetings are believed to have occurred- meeting documents dating 2 August 1976, 12 August 1976, 18 August 1976 and 30 August 1976 can indicate that the meetings were held on a weekly basis: Case 003, **D1.3.27.8**, Minutes of the Meeting of Secretaries and Economics of Divisions, 16 May 1976; Case 003, **D1.3.8.2**, Minutes of the Meeting of All Division Committees, 1 June 1976; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.27.16**, Minutes of Divisional and Independent Regiment Secretary-under secretary's Meeting, 16 September 1976; Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.8.7**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 18 October 1976; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March November 1977.

⁴⁴⁷ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 13.

⁴⁴⁸ Case 003, **D4.1.334**, Report entitled "History of the Vietnam War on Microfilm: Cambodian Armed Forces: April 1976", 1 April 1976, pp. 2, 13.

⁴⁴⁹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 1.

⁴⁵⁰ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 10; Case 003, **D1.3.17.4**, Huy Vannak, "The Khmer Rouge Division 703: From Victory to Self-Destruction", pp. 51-52.

⁴⁵¹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 10.

⁴⁵² Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

⁴⁵³ Case 003, **D1.3.22.2**, DK Legal Document entitled "The Constitution of Democratic Kampuchea", 5 January 1976, Article 19, pp. 5-6.

⁴⁵⁴ Case 003, **D4.1.4**, Timothy CARNEY's Analytical Report entitled "the Organization of People" published in a book edited by Karl Jackson, entitled: "Cambodia 1975-1978: Rendezvous with Death", p. 12; Case 003, **D1.3.17.4**, Huy Vannak, "The Khmer Rouge Division 703: From Victory to Self-Destruction", pp. 51-52; Case

003, **D1.3.30.9**, RAK Report entitled “Joint Statistics of Armed Forces-March 1977” 7 April 1977; Case 003, **D1.3.30.10**, RAK Report entitled “Statistics of Collective-Eating Forces-March 1977”, 7 April 1977; Case 003, **D4.1.601**, Written Record of Interview of Witness **Seng Mon**, 14 February 2009, p. 6.

⁴⁵⁵ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 27, p. 25.

⁴⁵⁶ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

⁴⁵⁷ Case 003, **D1.3.33.3**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 August 2007, p. 2; Case 003, **D4.1.742**, Written Record of Interview of Witness **Nhem En**, 1 November 2007, p. 5; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, p. 6; Case 003, **D4.1.441** Written Record of Interview of Witness **Kham Phan**, *alias* Phan Van, 21 November 2008, p. 3; Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3; Case 003, **D4.1.505**, Written Record of Interview of Witness **Sum Sokhan**, *alias* Sreang, 13 February 2009, p. 3; Case 003, **D4.1.774** Written Record of Interview of Witness **Yoeun Sambau**, *alias* Yorn, 23 June 2009, p. 4; Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 3; Case 003, **D4.1.841** Written Record of Interview of Witness **Sokh Chhay**, *alias* Nam, 27 October 2009, p. 3; Case 003, **D4.1.845**, Written Record of Interview of Witness **Lonh Dos**, 20 November 2009, pp. 3-4; Case 003, **D4.1.854**, Written Record of Interview of Witness **Seng Mon**, 22 July 2009, p. 4; Case 003, **D4.1.855**, Written Record of Interview of Witness **LONH Dos**, 23 July 2009, pp. 2-3; Case 003, **D4.1.859**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 10 November 2009, p. 7; Case 003, **D4.1.860**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 11 November 2009, p. 5; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, pp. 2-3; Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3; Case 003, **D4.1.520**, Written Record of Interview of Witness **KE Pich Vannak** *alias* Yuth, 4 June 2009, pp. 8-9.

⁴⁵⁸ Case 003, **D4.1.1107**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 February 2008, p. 4; Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 3-5.

⁴⁵⁹ Case 003, **D4.1.1107**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 February 2008, p. 4; Case 003, **D1.3.33.7**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 2.

⁴⁶⁰ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3; Case 003, **D1.3.33.7**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 2; Case 003, **D1.3.27.5**, CPK Standing Committee Meeting Minutes entitled “Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976”, p. 4; Case 003, **D4.1.860**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 11 November 2009, p. 5; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3; Case 003, **D1.3.12.5**, DK Report entitled “Statistics of weapons and ammunitions short needed: March 1976”, 27 May 1976 (Copied to Brother 81).

⁴⁶¹ Case 003, **D4.1.402**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 November 2008, p. 4.

⁴⁶² Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-4; Case 003, **D1.3.28.18**, S-21 List of Prisoners including those from the General Staff Office, the Military Hospital and other units, pp. 1-2; Case 003, **D1.3.28.26**, S-21 List of Prisoners including those from the General Staff and the Ministry of Propaganda, pp. 1-8; Case 003, **D1.3.28.32**, S-21 List of Prisoners in Chan's report on 18 prisoners taken to S-21 on 22 May 1977, pp. 1-2; Case 003, **D1.3.28.34**, Chan's S-21 List of Prisoners taken to S-21 on 26 May 1977, pp. 1-2; Case 003, **D1.3.28.50**, S-21 List of Prisoners including those from the General Staff Office and S-21 Office, pp. 1-3; Case 003, **D1.3.30.9**, RAK Report entitled "Joint Statistics of Armed Forces-March 1977" 7 April 1977; Case 003, **D1.3.30.10**, RAK Report entitled "Statistics of Collective-Eating Forces-March 1977", 7 April 1977.

⁴⁶³ Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 5.

⁴⁶⁴ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.

⁴⁶⁵ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

⁴⁶⁶ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

⁴⁶⁷ Case 003, **D4.1.860**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 11 November 2009, p. 3; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3; Case 003, **D1.3.32.40**, DC-Cam Statement of Saom Met, 25 January 2003, p. 68; Case 003, **D1.3.17.4**, Huy Vannak, "The Khmer Rouge Division 703: From Victory to Self-Destruction", pp. 55, 94, 124; Case 003, **D1.3.27.5**, CPK Standing Committee Meeting Minutes entitled "Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976", p. 4; Case 003, **D4.1.742** Written Record of Interview of Witness **Nhem En**, 1 November 2007, p. 5; Case 003, **D4.1.347**, Written Record of Interview of Witness **Suos Thi**, 18 October 2007, p. 4; Case 003, **D4.1.387**, Written Record of Interview of Witness **Pen Heng**, *alias* Nget Heng, 29 November 2007, p. 4; Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 3; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 5; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, p. 3; Case 003, **D1.3.12.4**, DK Report entitled "Concerning Krauch, Combatant in the [Bad] Elements Unit, Division 502", and Minutes of the Meeting of 18 March 1976, and Division 502's Report of 29 August 1976, pp. 1-3 (Annotation: Copied to Brother Nat).

⁴⁶⁸ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.

⁴⁶⁹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, pp. 3-4; Case 003, **D1.3.17.4**, Huy Vannak, "The Khmer Rouge Division 703: From Victory to Self-Destruction", pp. 94, 125; Case 003, **D1.3.27.5**, CPK Standing Committee Meeting Minutes entitled "Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976", p. 4; Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 3; Case 003, **D1.3.30.6**, DK Report entitled "General Staff Study Session, Second Session: Table of Participant Statistics", 23 November 1976, p. 14 (No. 252: Teanh from the Logistics Committee); Case 003, **D1.3.9.4**, DK Report entitled "With Respect to Brother 89, Brother 81: We would like to report on those connected to traitorous links in General Staff Logistics against whom we have taken administrative measures", 29 March 1977 (Comrade Teanh reported to Brother 89 and Brother 81 on the names of those connected to traitorous links in the General Staff Logistics); Case 003, **D1.3.12.5**, DK Report entitled "Statistics of weapons and ammunitions short needed:

March 1976”, 27 May 1976 (Copied to Brother Teanh); Case 003, **D1.3.27.19**, DK Meeting Minutes entitled “Minutes of the Meeting on Production Work”, 30 September 1976, pp-1,7 [in Khmer] (Comrade Teanh reported on miscellaneous: The problem of tires, the problem of use of fuel and barrels, the problem of clothes and supplies, the problem of request for supplies coming from all divisions, the problem of sacks, request for opinions on a salt reserve project); Case 003, **D4.1.899**, Telegram 23 from Chhin “To Beloved Brother 89”, 20 May 1976, pp. 1-2 (Annotation: Copied to Brother Teanh).

⁴⁷⁰ Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3; Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, p. 18.

⁴⁷¹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, p. 7; Case 003, **D4.1.860**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 11 November 2009, p. 5; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3; Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 3; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 5; Case 003, **D1.3.12.4**, DK Report entitled “Concerning Krauch, Combatant in the [Bad] Elements Unit, Division 502”, and Minutes of the Meeting of 18 March 1976, and Division 502’s Report of 29 August 1976, pp. 1-3 (Annotation: Copied to Brother Nat); Case 003, **D1.3.28.37**, S-21 List of Prisoners from the Ministry of Social Affairs and Office of General Staff, Phnom Penh (No.3: Sao, Member of Logistics, General Staff).

⁴⁷² Case 003, **D1.3.17.4**, Huy Vannak, “The Khmer Rouge Division 703: From Victory to Self-Destruction”, p. 62.

⁴⁷³ Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3; Case 003, **D1.3.30.5**, DK Report entitled “Statistical List of Participants-1st General Staff Training”, 20 October 1976, p. 16 (No.275: Sao of the Logistics Committee, Office 62); Case 003, **D4.1.899**, Telegram 23 “To Beloved Brother 89”, 20 May 1976, p. 4.

⁴⁷⁴ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 5; Case 003, **D4.1.841** Written Record of Interview of Witness **Sokh Chhay**, *alias* Nam, 27 October 2009, p. 6 (Ren, the son-in-law of Ta Mok, chief of one division from the Southwest Zone, died after 1979); Case 003, **D1.3.9.2**, DK Report entitled “Report to Brother on the General Situation in Division 450 going to work with Brother Suong and Brother Yan”, 24 November 1976 (sent by Ren of the General Staff Office); Case 003, **D1.3.12.15**, DK Report entitled “Report, Re: Working with Brother Euan, Division 310”, (sent by Ren of the General Staff Office); Case 003, **D1.3.12.15**, DK Report entitled “Report on the Meeting in Division 170”, 1 October 1976 (report from Ren, Office of the General Staff).

⁴⁷⁵ Case 003, **D4.1.805**, Written Record of Interview of Witness [REDACTED], 8 November 2009, p. 5; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 5; Case 003, **D1.3.12.4**, DK Report entitled “Concerning Krauch, Combatant in the [Bad] Elements Unit, Division 502”, and Minutes of the Meeting of 18 March 1976, and Division 502’s Report of 29 August 1976, p. 2.

⁴⁷⁶ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 3-4.

⁴⁷⁷ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3.

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- ⁴⁷⁸ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, p. 2.
- ⁴⁷⁹ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸⁰ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 3-4.
- ⁴⁸¹ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸² Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸³ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸⁴ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸⁵ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9.
- ⁴⁸⁶ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5.
- ⁴⁸⁷ Case 003, **D4.1.649**, DK Document entitled “the 5th Pol Pot-Ieng Sary Congress in November 1978”, 2 November 1978, in French.
- ⁴⁸⁸ Case 003, **D4.1.950**, Revised S-21 Prisoner List.
- ⁴⁸⁹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.
- ⁴⁹⁰ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3.
- ⁴⁹¹ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 1.
- ⁴⁹² Case 003, **D1.3.33.3**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 August 2007, p. 2; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976, pp. 8-9; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976, pp. 1-2; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 2-4; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, pp. 3, 5-7; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, pp. 17-21; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976, pp. 1-2; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, pp. 12-15 [in Khmer]; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976, pp. 9-10.
- ⁴⁹³ Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976, pp. 8-9; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976, pp. 1-2; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 2-4; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, pp. 17-21; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976, pp. 1-2; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, pp. 12-15 [in Khmer]; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976, pp. 9-10; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent
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Regiments, 1 March 1977, pp. 3, 5-7; Case 003, **D4.1.908**, Minutes of the Meeting by Comrade Tal, Division 290 and Division 170, on 16 September 1976.

⁴⁹⁴ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5; Case 003, **D1.3.9.4**, DK Report entitled “With Respect to Brother 89, Brother 81”, 29 March 1977; Case 003, **D1.3.30.10**, RAK Report entitled “Statistics of Collective-Eating Forces-March 1977”, 7 April 1977; Case 003, **D1.3.12.19**, DK Report entitled “Statistics of National Army, Division 310”, 13 June 1976; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-4; Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9; Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977.

⁴⁹⁵ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 5-6.

⁴⁹⁶ Case 003, **D1.3.19.2**, Khieu’s Letter to Beloved Committees of Divisions and Regiments, 3 September 1977 (The plans for the army to grow rice must be completed 100 percent. To ensure the completion of the plans and to go beyond them, it is require to storm attack to transplant rice seedlings in 20 to 25 hectares of land per day for the divisions which can do rice seedling transplanting in 1,000 hectares of land and beyond. The divisions which are supposed to do fewer than 1,000 hectares of land are required to storm attack to transplant seedlings in 10 to 15 hectares of land per day to ensure 100% completion of the plans).

⁴⁹⁷ Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2.

⁴⁹⁸ Case 003, **D1.3.33.16**, Interview with **Meas Muth**, by Christine Chaumeau and Bou Saroeun, 20 July 2011, p. 1; Case 003, **D1.3.19.2**, Khieu’s Letter to Beloved Committees of Divisions and Regiments, 3 September 1977; Case 003, **D1.3.12.1**, DK Report entitled “Rice Consumption Plan 1976”, 4 January 1976.

⁴⁹⁹ Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2.

⁵⁰⁰ Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, p. 9 [in Khmer]; Case 003, **D1.3.8.2**, Minutes of the Meeting of All Division Committees, 1 June 1976, p. 5; Case 003, **D1.3.19.2**, Khieu’s Letter to Beloved Committees of Divisions and Regiments, 3 September 1977.

⁵⁰¹ Case 003, **D1.3.34.28**, Report by secret telephone from Sim of Division 164’s Political Section to Beloved Brother (Division), on 15 September 1977.

⁵⁰² Case 003, **D4.1.637**, Mut’s Confidential Telephone Message to Respected Brother 89, 4 April 1978; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled “Dear respected Brother 89”, 19 October 1976; Case 003, **D4.1.1020**, Muts Telegram “To respected Brother 89”, 20 February 1976; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976 (reporting on navy lessons, the installment of radars on the Bokor Mountain, Vung Sruol’s traitorous tendency, the separation of no-good elements and their distribution to units-most of them have improved, the seizure of a Thai boat, and the request for clothes for people and soldiers, as well as Son Sen’s views: To send those involved in the boats entering Koh Rong Samloem to interrogation; to deploy anti-aircraft weapons on islands, to request training on anti-aircraft firing; to quickly install radars on the Bokor Mountain, to arrest and interrogate Vung Sruol; it seems like nothing is gained by splitting up deserters among

different units, because as long as enemies exist, they will continue further with their activities; to get a firm grip on biographies and then round them up to do production in one place.)

⁵⁰³ Case 003, **D1.3.34.64**, Mut's Confidential Telephone Communication to Respected Brother 89, 29 March 1978; Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976; Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976; Case 003, **D1.3.12.2**, Mut's Report: "Dear Brother 89 with respect", 6 February in an unspecified year; Case 003, **D4.1.635**, Mut's Confidential Telephone Messages on 1 April 1978; Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977) Mut reported that a fleet of some 50 to 60 Thai boats protected by Thai military ships entered Koh Kong from 20 May to late May 1977. The Khmer Rouge soldiers captured one of the boats and all the people on board jumped into the water. Vietnamese boats also entered the maritime territory close to Koh Russei and Koh Tral. Son Sen then reported to Angkar on 30 April 1977: 1. According to Mut, who has inspected the situation of the Vietnamese entering the maritime territory close to Koh Tauch island, they have claimed half of the island; 2. Decision: Send Comrade Mut to view the situation in base collectives; 3. Request permission from Brother Mok and Comrade Tith); Case 003, **D1.3.12.20**, Mut's Secret Telephone Message: Report dated 12 August 1977; Case 003, **D1.3.12.7**, DK Report entitled "A summary of situations from July 15 to August 31, 1976;" Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976.

⁵⁰⁴ Case 003, **D1.3.12.3**, Mut's Report to Brother 89, 22 February 1976 (2. Enemy situations: According to the responses of the one arrested east of Toek Sap, the seven persons arrested at Sangwavy belonged his group. Therefore, this is a group of the dacoits who are hiding out in vicinities west and north of Veal Rinh and who do work among the masses in the grassroots in Veal Rinh.)

⁵⁰⁵ Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976: (Mut reported on the seizure of a Thai boat and the situations of maritime border with Vietnam, food production, health and the Party); Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976; Case 003, **D4.1.908**, Minutes of the Meeting by Comrade Tal, Division 290 and Division 170, on 16 September 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976: (Mut reported on rice and harvest); Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976; Report: Enemy situation, internal and external; Internal situation; Education of Party and Yovakok League candidates; Assignment of Party and Yovakok League candidates; Combatants' food ration; Ammunition management; Hospitals; Food production: Mut was not present); Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977 (reporting on the enemy situation, arrests, internal state of affairs, arrest and transfer of more than 50 enemies-no good elements to S-21, request to remove regiment secretaries, military livelihood

and crop production); Case 003, **D1.3.27.25**, Minutes of the Meeting of Division 801, Comrades Seuan and Thi, 16 December 1976: Seuan and Thi reported their work to Brother 89 (Son Sen); Case 003, **D1.3.27.24**, Minutes of the Meeting of Division 920, Comrades Say and Ren, 16 December 1976: “Say and Ren reported their work to Son Sen); Case 003, **D1.3.27.16**, Minutes of Divisional and Independent Regiment Secretary-under secretary’s Meeting, 16 September 1976; Case 003, **D1.3.27.14**, Minutes of Plenary Meeting of the 920th Division, 7 September 1976; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.12.7**, DK Report entitled “A summary of situations from July 15 to August 31, 1976.”

⁵⁰⁶ Case 003, **D1.3.12.20**, Mut’s Secret Telephone Message: Report dated 12 August 1977 (Mut reported to Son Sen on the capture of two Thai boats carrying five people and their transfer to Kampong Som, and requested an order. Son Sen then reported to Angkar on the order for **Meas Mut** to conduct interrogations.); Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.34.23**, Soeung’s Telegram, 12 August 1977 (Soeung reported that an enemy plane flew over Koh Kong. Son Sen then reported to Angkar, with a handwritten annotation, on the capture of a Thai boat and the arrest of one Khmer and four Thais, who were now under interrogation, according to Mut’s report).

⁵⁰⁷ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976 (Son Sen instructed that any enemy illegally entering the land and maritime territories be smashed); Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976.

⁵⁰⁸ Case 003, **D1.3.19.2**, Khieu’s Letter to Beloved Committees of Divisions and Regiments, 3 September 1977.

⁵⁰⁹ Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 7.

⁵¹⁰ Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, pp. 3-4.

⁵¹¹ Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976, p. 2.

⁵¹² Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, “Decision of the Central Committee regarding a Number of Matters”, 30 March 1976, p. 1.

⁵¹³ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 20.

⁵¹⁴ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 20.

⁵¹⁵ Case 001, **E1/20.1**, Transcript of Trial Proceedings-Kaing Guek Eav “Duch”, 18 May 2009, p. 43 (Classification: Public).

⁵¹⁶ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 5.

⁵¹⁷ Case 003, **D4.1.908**, Minutes of the Meeting by Comrade Tal, Division 290 and Division 170, on 16 September 1976, pp. 2-3.

⁵¹⁸ Case 003, **D1.3.22.2**, DK Legal Document entitled “The Constitution of Democratic Kampuchea”, 5 January 1976, Article 19, pp. 5-6.

⁵¹⁹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 27, p. 25.

⁵²⁰ Case 003, **D4.1.888**, CPK Magazine entitled “Revolutionary Flag”, Special Issue, December 1976-January 1977, p. 26.

⁵²¹ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 1(2)(b), p. 7-8.

⁵²² Case 003, **D4.1.888**, CPK Magazine entitled “Revolutionary Flag”, Special Issue, December 1976-January 1977, pp. 14-16, 18.

⁵²³ Case 003, **D1.3.6.1**, CPK Magazine entitled “Revolutionary Flag”, Issue 6, June 1977, p. 50 [in Khmer].

⁵²⁴ Case 003, **D4.1.622**, Written Record of Interview of Witness **Sao Sarun**, 29 June 2009, p. 4.

⁵²⁵ Case 003, **D4.1.791**, Written Record of Interview of Witness **Chum Cheat**, *alias* Sith Han, 8 October 2009, pp. 3,5; Case 003, **D4.1.803**, Written Record of Interview of Witness [REDACTED], 3 November 2009, p. 6; Case 003, **D4.1.801**, Written Record of Interview of Witness [REDACTED], 31 October 2009, p. 4; Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 5; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 3.

⁵²⁶ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 7; Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 4; Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3.

⁵²⁷ Case 003, **D4.1.791**, Written Record of Interview of Witness **Chum Cheat**, *alias* Sith Han, 8 October 2009, p. 3; Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, p. 3; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 4; Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3.

⁵²⁸ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D4.1.791**, Written Record of Interview of Witness **Chum Cheat**, *alias* Sith Han, 8 October 2009, pp. 3.

⁵²⁹ Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3.

⁵³⁰ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.791**, Written Record of Interview of Witness **Chum Cheat**, *alias* Sith Han, 8 October 2009, p. 3.

⁵³¹ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 132, p. 37 (Classification: Public).

⁵³² Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 5-6; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 3-4; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, pp. 3-5.

⁵³³ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5.

⁵³⁴ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 5; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 4-5; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, p. 5.

- ⁵³⁵ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 5-6, 7,8; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 3,4,5, 7; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, p. 5.
- ⁵³⁶ Case 003, **D4.1.1153**, Written Record of Interview of Witness **Sem Am**, *alias* Prum Iet, 5 March 2008, pp. 2-3; Case 003, **D4.1.554**, Written Record of Interview of Witness **Lay Ean**, *alias* Oeun, 7 January 2009, pp. 2-4.
- ⁵³⁷ Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 6.
- ⁵³⁸ Case 003, **D4.1.797**, Written Record of Interview of Witness **Pek Phal**, 26 October 2009, pp. 4-6.
- ⁵³⁹ Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 6.
- ⁵⁴⁰ Case 003, **D4.1.1153**, Written Record of Interview of Witness **Sem Am**, *alias* Prum Iet, 5 March 2008, pp. 2-3.
- ⁵⁴¹ Case 003, **D4.1.797**, Written Record of Interview of Witness **Pek Phal**, 26 October 2009, p. 4; Case 003, **D4.1.449**, Written Record of Interview of Witness **Chhem Hoeung**, 31 May 2009, p. 3; Case 003, **D10.1.36**, Written Record of Interview of Witness **Kev Touch**, 22 May 2009, pp. 3-4; Case 003, **D4.1.465**, Written Record of Interview of Witness **Seng Yon**, 21 April 2008, pp. 3-4; Case 003, **D4.1.790**, Written Record of Interview of Witness **Luy Bien**, 6 October 2009, pp. 3-6.
- ⁵⁴² Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 7; Case 003, **D4.1.1150**, Written Record of Interview of Witness **Lay Ien**, *alias* Oeun, 4 March 2008, pp. 2-4.
- ⁵⁴³ Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 4.
- ⁵⁴⁴ Case 003, **D1.3.30.9**, RAK Report entitled “Joint Statistics of Armed Forces-March 1977” 7 April 1977.
- ⁵⁴⁵ Case 003, **D1**, Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 82, p. 28.
- ⁵⁴⁶ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 9; Case 003, **D4.1.751**, Report entitled “Additional Details on Khmer Communist 3rd Division Organisation”, 21 March 2005, p. 3.
- ⁵⁴⁷ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 4-5; Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 3.
- ⁵⁴⁸ Case 003, **D4.1.911**, Written Record of Interview of Witness **Iep Duch**, 30 October 2007, p. 3; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 5-6; Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3; Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 2.
- ⁵⁴⁹ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 6; Case 003, **D1.3.30.6**, DK Report entitled “General Staff Study Session, Second Session: Table of Participant Statistics”, 23 November 1976, p. 12; Case 003, **D1.3.8.8**, DK Report entitled “Second General Staff Study Session, Revolutionary Outlook, Table of Splitting up into Groups by Unit of Organisation”, 23 November 1976, p. 3 [in Khmer].
- ⁵⁵⁰ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 5-6; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6.

⁵⁵¹ Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 5-6.

⁵⁵² Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 6; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D4.1.751**, Report entitled “Additional Details on Khmer Communist 3rd Division Organisation”, 21 March 2005, p. 3.

⁵⁵³ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 6; Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 2.

⁵⁵⁴ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7.

⁵⁵⁵ Case 003, **D4.1.747**, Report entitled “Oral History-Debriefing of Aek Ny, Former Member of the Khmer Communist 386th Battalion, Remains on the Northern End of Tang Island”, 19 December 2002, p. 5.

⁵⁵⁶ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 8.

⁵⁵⁷ Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 2.

⁵⁵⁸ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7.

⁵⁵⁹ Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 3.

⁵⁶⁰ Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 3; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 8; Case 003, **D4.1.751**, Report entitled “Additional Details on Khmer Communist 3rd Division Organisation”, 21 March 2005, p. 2.

⁵⁶¹ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 9; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 3.

⁵⁶² Case 003, **D2/6** Written Record of Interview of Witness **Nhoung Chrong**, 24 August 2010, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 9; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 32; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 3; Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 2; Case 003, **D4.1.751**, Report entitled “Additional Details on Khmer Communist 3rd Division Organisation”, 21 March 2005, p. 3.

⁵⁶³ Case 003, **D4.1.861**, CPK Magazine entitled “Revolutionary Flag”, Issue 08, August 1975, p. 13: (On 22 July 1975 on the occasion of the ceremony of the Communist Party of Kampuchea Centre to establish the Revolutionary Army, the comrade chairman of the High-Level Military Committee of the Party convened an important political conference of the Communist Party of Kampuchea Center for approximately 3,000 representatives of every unit of the Revolutionary Army. The complete content of this important conference was as follows: [...] 4. The new missions of our Revolutionary Army”); Case 003, **D4.1.801**, Written Record of Interview of Witness ██████████, 31 October 2009, p. 3; Case 003, **D4.1.805**, Written Record of Interview of

Witness ██████████, 8 November 2009, p. 5; Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3; Case 003, **D4.1.827** Written Record of Interview of Witness **Him Horn**, 18 December 2009, pp. 5-6; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 7; Case 003, **D1.3.17.4**, Huy Vannak, “The Khmer Rouge Division 703: From Victory to Self-Destruction”, p. 6; Case 003, **D1.3.17.1**, **Elizabeth Becker**, “When the War Was Over”, p. 45.

⁵⁶⁴ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5.

⁵⁶⁵ Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D2/6** Written Record of Interview of Witness **Nhoun Chrong**, 24 August 2010, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 6; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 32.

⁵⁶⁶ Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, pp. 7-8.

⁵⁶⁷ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 7.

⁵⁶⁸ Case 003, **D1.3.13.1**, OCP Interview Notes, 11 and 12 August 2008, p. 3; Case 003, **D2/16**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 11 November 2010, p. 4; Case 003, **D4.1.759**, Report entitled “Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island”, 16 June 2000, p. 5; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 5-6; Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2; Case 003, **D1.3.33.16**, Interview with **Meas Muth**, by Christine Chaumeau and Bou Saroeun, 20 July 2011, p. 1; Case 003, **D4.1.810**, Written Record of Interview of Witness **Seng Soeun**, 11 November 2009, p. 5; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division”, 2 November 2000, p. 3.

⁵⁶⁹ Case 003, **D4.1.810**, Written Record of Interview of Witness **Seng Soeun**, 11 November 2009, p. 5; Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 3; Case 003, **D1.3.32.28**, DC-Cam Statement of **Meas Chana**, 21 June 2004, p. 36; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 32; Case 003, **D4.1.4**, Timothy CARNEY’s Analytical Report entitled “the Organization of People” published in a book edited by Karl Jackson, entitled: “Cambodia 1975-1978: Rendezvous with Death”, p. 17 [in the Khmer-language translation]¹

⁵⁷⁰ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 3; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, pp. 4-5; Case 003, **D1.3.13.13**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 16 August 2008, p. 6.

⁵⁷¹ Case 003, **D1.3.12.1**, DK Report entitled “Rice Consumption Plan 1976”, 4 January 1976; Case 003, **D1.3.30.2**, Meas Mut’s Report entitled “May Brother 89 be informed”, 5 January 1976.

⁵⁷² Case 003, **D1.3.30.25**, Mut’s Secret Telephone, Report from Division 164, 1 April 1978.

⁵⁷³ Case 003, **D4.1.947**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 4 June 1999, p. 3; Case 003, **D4.1.4**, Timothy CARNEY’s Analytical Report entitled “the Organization of People” published in a book edited by Karl Jackson, entitled: “Cambodia 1975-1978: Rendezvous with Death”, p. 17 [in the Khmer-language translation].

- ⁵⁷⁴ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 37, pp. 12-13.
- ⁵⁷⁵ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 86, pp. 29-30.
- ⁵⁷⁶ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 84, p. 12.
- ⁵⁷⁷ Case 003, **D1.3.7.8**, The Cambodia Daily, "Let Bygones Be Bygones", Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2; Case 003, **D1.3.13.1**, OCP Interview Notes, 11 and 12 August 2008, p. 3; Case 003, **D1.3.33.16**, Interview with **Meas Muth**, by Christine Chaumeau and Bou Saroeun, 20 July 2011, p. 1.
- ⁵⁷⁸ Case 003, **D1.3.13.11**, OCP Interview of Witness **Sieng**, 12 August 2008, p. 2.
- ⁵⁷⁹ Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976.
- ⁵⁸⁰ Case 003, **D1.3.30.9**, RAK Report entitled "Joint Statistics of Armed Forces-March 1977" 7 April 1977.
- ⁵⁸¹ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 66, pp. 23-24 (Classification: Public).
- ⁵⁸² Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 21, p. 8.
- ⁵⁸³ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6.
- ⁵⁸⁴ Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977, p. 1; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6.
- ⁵⁸⁵ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7; Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011 (No. 26: Men Nget), p. 2.
- ⁵⁸⁶ Case 003, **D2/16**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 11 November 2010, p. 3; Case 003, **D1.3.13.11**, OCP Interview of Witness **Sieng**, 12 August 2008, p. 2; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6.
- ⁵⁸⁷ Case 003, **D4.1.766**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 21 October 2009, p. 7; Case 003, **D1.3.13.11**, OCP Interview of Witness **Sieng**, 12 August 2008, p. 2.
- ⁵⁸⁸ Case 003, **D4.1.746**, Report entitled "Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division", 19 December 2002, p. 3.
- ⁵⁸⁹ Case 003, **D4.1.747**, Report entitled "Oral History-Debriefing of Aek Ny, Former Member of the Khmer Communist 386th Battalion, Remains on the Northern End of Tang Island", 19 December 2002, p. 6.
- ⁵⁹⁰ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, pp. 6-7; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 5.
- ⁵⁹¹ Case 003, **D4.1.759**, Report entitled "Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island", 16 June 2000, p. 7; Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7.
- ⁵⁹² Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976; Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, pp. 4-5; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division", 2 November 2000, p. 3.
- ⁵⁹³ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 5.
- ⁵⁹⁴ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 8.
- ⁵⁹⁵ Case 003, **D1.3.13.8**, OCP Interview of Witness **Pen Sarin**, 13 August 2008, p. 3; Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7.

- ⁵⁹⁶ Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011 (No. 26: Men Nget), p. 2.
- ⁵⁹⁷ Case 003, **D1.3.30.6**, DK Report entitled “General Staff Study Session, Second Session: Table of Participant Statistics”, 23 November 1976, p. 10 (No. 179: Pheap); Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3.
- ⁵⁹⁸ Case 003, **D1.3.10.1**, List of Cadres from Regiment 161 of Division 164 according to the, Confession by **Sing Krin**, *alias* Nguon; Case 003, **D1.3.11.3**, List of Arrestees from Division 164 (No. 131: Kruoch Phan, Platoon Commander of Battalion 611, p. 6; No.318: Soeung, Company Commander of Battalion 611, p. 14).
- ⁵⁹⁹ Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 4.
- ⁶⁰⁰ Case 003, **D4.1.747**, Report entitled “Oral History-Debriefing of Aek Ny, Former Member of the Khmer Communist 386th Battalion, Remains on the Northern End of Tang Island”, 19 December 2002, p. 5.
- ⁶⁰¹ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 8; Case 003, **D1.3.30.5**, DK Report entitled “Statistical List of Participants-1st General Staff Training”, 20 October 1976, p. 7 (No.125: Iek Manh, Secretary of Regiment, Division 164); Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 3; Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 3.
- ⁶⁰² Case 003, **D4.1.758**, Report entitled “History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment”, 14 November 2005, p. 3.
- ⁶⁰³ Case 003, **D4.1.758**, Report entitled “History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment”, 14 November 2005, p. 3.
- ⁶⁰⁴ Case 003, **D4.1.758**, Report entitled “History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment”, 14 November 2005, p. 3.
- ⁶⁰⁵ Case 003, **D4.1.747**, Report entitled “Oral History-Debriefing of Aek Ny, Former Member of the Khmer Communist 386th Battalion, Remains on the Northern End of Tang Island”, 19 December 2002, p. 5.
- ⁶⁰⁶ Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, p. 3; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division”, 2 November 2000, p. 4; Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 4.
- ⁶⁰⁷ Case 003, **D4.1.750**, Report entitled “Historical Background of Khmer Communist 3rd Division”, 16 September 2004, pp. 2-3; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division”, 2 November 2000, p. 5.
- ⁶⁰⁸ Case 003, **D2/8**, Written Record of Interview of Witness **Say Born**, 6 September 2010, p. 7.
- ⁶⁰⁹ Case 003, **D1.3.28.45**, Name List of Documented Prisoners from Division 164, 26 August 1977, p. 1; Case 003, **D1.3.28.2**, List of Prisoners from the Military, 2 June 1977, p. 1 (No. 1: Mom Yan).
- ⁶¹⁰ Case 003, **D1.3.30.5**, DK Report entitled “Statistical List of Participants-1st General Staff Training”, 20 October 1976, p. 7 (No.126: Sin Chorn, Secretary of Regiment, Division 164).
- ⁶¹¹ Case 003, **D1.3.1.2**, Interrogator’s Annotations on the Frontpage of the S-21, Confession by **Kung Kien**, *alias* Ing Vet, Secretary of Battalion 631, 7 May 1977; Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, p. 4; Case 003, **D10.1.127**, S-21 List of Prisoners-244 pages in Khmer/554 pages in English (Kung Kien, *alias* Ing Vet, Secretary of Battalion 631 of Regiment 63, p. 72 [in Khmer]; Case 003, **D10.1.127**, S-21 List of Prisoners-244 pages in

Khmer/554 pages in English (Pav Chheng, combatant of Unit 116, Company 63, Battalion 632, p. 140 in Khmer); Case 003, **D1.3.28.1**, List of prisoners who are sick, lame, beriberi and crippled, 28 April 1977 (No. 19: Uk Sam Uok, *alias* Sam Ien, Company Deputy of Battalion 632, p. 3); Case 003, **D1.3.11.3**, List of Arrestees from Division 164 (No. 170: Mon, Deputy Secretary of Battalion 631, p. 8; No.54: Chhoeun, Commander of Battalion 632, p. 3; No.123: Khoeun, Secretary of Battalion 633, Regiment 63, p. 6).

⁶¹² Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 3 (The regiment was located in Thmar Thom village adjacent to the airfield.)

⁶¹³ Case 003, **D4.1.746**, Report entitled “Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division”, 19 December 2002, p. 4.

⁶¹⁴ Case 003, **D2/6** Written Record of Interview of Witness **Nhoun Chrong**, 24 August 2010, p. 9: Regiment 22 was based in Toek Sap (After the name of the division was changed, Regiment 22 was renamed Regiment 163.)

⁶¹⁵ Case 003, **D4.1.758**, Report entitled “History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment”, 14 November 2005, p. 3.

⁶¹⁶ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 6.

⁶¹⁷ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, pp. 3-4; Case 003, **D4.1.758**, Report entitled “History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment”, 14 November 2005, p. 3; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division”, 2 November 2000, p. 3.

⁶¹⁸ Case 003, **D1.3.28.10**, Prisoner List from the General Staff, p. 1; Case 003, **D2/16**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 11 November 2010, p. 4; Case 003, **D1.3.11.3**, List of Arrestees from Division 164 (No. 133: Kun Dim, Commander of Battalion 141 of Regiment 140, p. 7; No.143: Kung, Commander of Battalion 142, p. 6; No.294: Sek Pheang, Commander of Battalion 143; No.148: Man, Commander of Battalion 144, p. 7).

⁶¹⁹ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, pp. 7-8.

⁶²⁰ Case 003, **D1.3.30.5**, DK Report entitled “Statistical List of Participants-1st General Staff Training”, 20 October 1976, p. 7 (No.129: Sar Moeun, Secretary of Battalion, Division 164).

⁶²¹ Case 003, **D1.3.30.6**, DK Report entitled “General Staff Study Session, Second Session: Table of Participant Statistics”, 23 November 1976, p. 11 (No.201: Kun Dim, Deputy Secretary of Division 164 Case 003, **D1.3.28.45**, Name List of Documented Prisoners from Division 164, 26 August 1977, p. 1 (No. 2: Kun Dim, Battalion Commander of Division 164); Case 003, **D2/16**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 11 November 2010, p. 3.

⁶²² Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011 (No. 26: Men Nget), p. 2 (No. 17: Kun Dim, smashed on 19 September 1977), p. 2; Case 003, **D1.3.28.49**, List of Prisoners Interrogated in 1975, 1976 and 1977 (No. 17: Kun Dim, Battalion Commander of Division 164, was arrested on 20 April and his interrogation concluded on 21 April 1977).

⁶²³ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 8; Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 3.

⁶²⁴ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 4.

⁶²⁵ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 8.

⁶²⁶ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 9.

⁶²⁷ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, pp. 6-7.

- ⁶²⁸ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 6.
- ⁶²⁹ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 9.
- ⁶³⁰ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 7.
- ⁶³¹ Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011 (No. 20: Kung Sien, *alias* Sang, arrived on 29 April 1977 and died from illness on 14 February 1978), p. 2.
- ⁶³² Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 6; Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977, p. 1 ([...] I went to meet Comrade Brother Han to ask him about the Patrol Ship Technical Course. He said that the course was completely finished on July 17, 1977, and those trainees could meet the request of the Party.)
- ⁶³³ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 6.
- ⁶³⁴ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 6.
- ⁶³⁵ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 6; Case 003, **D4.1.758**, Report entitled "History and Organisation of the Khmer Communist 3rd/164 Division and the 140th Naval Regiment", 14 November 2005, p. 4.
- ⁶³⁶ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, pp. 7-8.
- ⁶³⁷ Case 003, **D1.3.30.5**, DK Report entitled "Statistical List of Participants-1st General Staff Training", 20 October 1976, p. 8 (No.131: Neav Rem, Secretary of Regiment, Division 164).
- ⁶³⁸ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 7.
- ⁶³⁹ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 7.
- ⁶⁴⁰ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 7.
- ⁶⁴¹ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 4.
- ⁶⁴² Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 7.
- ⁶⁴³ Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976.
- ⁶⁴⁴ Case 003, **D4.1.751**, Report entitled "Additional Details on Khmer Communist 3rd Division Organisation", 21 March 2005, p. 3; Case 003, **D4.1.745**, Report "History of the Khmer Communist 3rd Division", 8 December 1998, p. 2.
- ⁶⁴⁵ Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976: "៖ (Mut reported that the division had found a letter sent to Battalion 165 Deputy Secretary Sam At and Regiment Deputy Secretary Bunny or Sunny); Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011 (No. 6: Chhun Lun, *alias* At/Sam At), p. 1.
- ⁶⁴⁶ Case 003, **D4.1.759**, Report entitled "Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island", 16 June 2000, p. 3; Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 6; Case 003, **D4.1.762**, Interview of Kam Men, Former Member of the Khmer Communist 164th Division", 2 November 2000, p. 3.
- ⁶⁴⁷ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.
- ⁶⁴⁸ Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976 (Division 165 had 265 soldiers).
- ⁶⁴⁹ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 3-4; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay Voeun, 16 December 2009, p. 4.

⁶⁵⁰ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 3-5; Case 003, **D4.1.831**, Written Record of Interview of Witness **Chea Chinit**, *alias* Chaut, 30 December 2009, pp. 3-4.

⁶⁵¹ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 3; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay Voeun, 16 December 2009, pp. 4-5.

⁶⁵² Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 5-6; Case 003, **D4.1.437**, Written Record of Interview of Witness **San Lan**, 29 October 2008, pp. 2, 5; Case 003, **D4.1.439**, Written Record of Interview of Witness **Sao Champi**, *alias* Sao Maing, 18 November 2008, pp. 3-4.

⁶⁵³ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 5-6.

⁶⁵⁴ Case 003, **D4.1.518**, Written Record of Interview of Witness Sao Phen, 21 May 2009, p. 4; Case 003, **D4.1.849**, Written Record of Interview of Witness **Khum Kim**, *alias* Nuon Pet, 30 November 2009, p. 5.

⁶⁵⁵ Case 003, **D4.1.484**, Written Record of Interview of Witness **Seng Srun**, 11 August 2008, pp. 3-4; Case 003, **D10.1.56**, Written Record of Interview of Witness **Hok Hoeun**, *alias* Hoeun, 23 November 2008, pp. 4-6, 8.

⁶⁵⁶ Case 003, **D10.1.56**, Written Record of Interview of Witness **Hok Hoeun**, *alias* Hoeun, 23 November 2008, pp. 4-5; Case 003, **D4.1.242**, Written Record of Interview of Witness **Phann Pich**, *alias* Pich, 22 September 2008, p. 2; Case 003, **D1.3.16.4**, United Nations Economic and Social Council Thirty-first session on “Question of the Violation of Human Rights and Fundamental Freedoms including Policies on Racial Discrimination and Segregation and of Apartheid, in all Countries, with particular reference to Colonial and other Dependent Countries and Territories: Report of the Sub-Commission under Commission on Human Rights Resolution 8 (XXII)”, 14 August 1978, p. 17.

⁶⁵⁷ Case 003, **D4.1.849**, Written Record of Interview of Witness **Khum Kim**, *alias* Nuon Pet, 30 November 2009, p. 5.

⁶⁵⁸ Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, Article 1(2)(b), p. 8.

⁶⁵⁹ Case 003, **D1.3.16.4**, United Nations Economic and Social Council Thirty-first session on “Question of the Violation of Human Rights and Fundamental Freedoms including Policies on Racial Discrimination and Segregation and of Apartheid, in all Countries, with particular reference to Colonial and other Dependent Countries and Territories: Report of the Sub-Commission under Commission on Human Rights Resolution 8 (XXII)”, 14 August 1978, p. 17.

⁶⁶⁰ Case 003, **D4.1.1032**, Interview of Ieng Sary, 22 July 1981, New York, at the UN Mission of Democratic Kampuchea, by Elizabeth Becker, pp. 2-3.

⁶⁶¹ Case 003, **D4.1.845**, Written Record of Interview of Witness **Lonh Dos**, 20 November 2009, pp. 4-5; Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 7.

⁶⁶² Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3 Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 5; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 6, 8; Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 7; Case 003, **D4.1.1056**, Written Record of Interview of Witness **Chhun Thi**, *alias* Thi Ov, 2 March 2010, p. 8; Case 003, **D1.3.30.2**, Meas Mut’s Report entitled “May Brother 89 be informed”, 5 January 1976; Case 003, **D1.3.12.3**, Mut’s Report to Brother 89, 22 February 1976; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976;

Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled “Dear respected Brother 89”, 19 October 1976; Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976; Case 003, **D1.3.4.2**, Brother 89’s Telegram to Beloved and Missed Comrade Dim, 26 November 1976; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.34.23**, Soeung’s Telegram, 12 August 1977; Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976 Case 003, **D1.3.34.64**, Mut’s Confidential Telephone Communication to Respected Brother 89, 29 March 1978.

⁶⁶³ Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 7.

⁶⁶⁴ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 5; Case 003, **D4.1.925**, Written Record of Interview of Witness **Pol Nhan**, 31 August 2009, p. 7; Case 003, **D4.1.1056**, Written Record of Interview of Witness **Chuon Thi**, *alias* Thi Ov, 2 March 2010, p. 8; Case 003, **D4.1.1042**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay, 4 March 2010, p. 3; Case 003, **D1.3.30.2**, Meas Mut’s Report entitled “May Brother 89 be informed”, 5 January 1976; Case 003, **D1.3.12.3**, Mut’s Report to Brother 89, 22 February 1976; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976; Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled “Dear respected Brother 89”, 19 October 1976; Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976; Case 003, **D1.3.34.64**, Mut’s Confidential Telephone Communication to Respected Brother 89, 29 March 1978; Case 003, **D1.3.4.2**, Brother 89’s Telegram to Beloved and Missed Comrade Dim, 26 November 1976; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.34.23**, Soeung’s Telegram, 12 August 1977; Case 003, **D1.3.9.1**, DK Report entitled “Report on the Situation in Division 450”, 14 November 1976.

⁶⁶⁵ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6; Case 003, **D4.1.1139**, Written Record of Interview of Witness **Pol Leang**, 17 January 2008, p. 3; Case 003, **D4.1.1142**, Written Record of Interview of Witness **Tha Sot**, 19 January 2008, p. 3; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay Voeun, 16 December 2009, p. 5; Case 003, **D4.1.1153**, Written Record of Interview of Witness **Sem Am**, *alias* Prum Iet, 5 March 2008, p. 4; Case 003, **D4.1.1056**, Written Record of Interview of Witness **Chuon Thi**, *alias* Thi Ov, 2 March 2010, p. 8; Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 3 November 2009, pp. 3-4.

⁶⁶⁶ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3.

⁶⁶⁷ Case 003, **D4.1.837**, Written Record of Interview of Witness **Hen Sopal**, *alias* Chhum, 31 August 2009, p. 3.

⁶⁶⁸ Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 5; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, p. 6; Case 003, **D4.1.845**, Written Record of Interview of Witness **Lonh Dos**, 20 November 2009, p. 5; Case 003, **D4.1.1056**, Written Record of Interview of Witness **Chuon Thi**, *alias* Thi Ov, 2 March 2010, p. 8.

⁶⁶⁹ Case 003, **D4.1.806**, Written Record of Interview of Witness **Cheang Sreimom**, 11 November 2009, p. 4.

⁶⁷⁰ Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 3 November 2009, p. 3.

⁶⁷¹ Case 003, **D4.1.782**, Written Record of Interview of Witness **Suon Kanil**, 21 August 2009, p. 3; Case 003, **D4.1.699**, Comrade Dim’s Telegram to Brother Mut, 24 September 1976 (Copied to Brothers Nuon (Nuon

Chea) and Khieu (Son Sen), Office, Documentation); Case 003, **D1.3.34.39**, Telegram 04, Band 429 from Roeun to Brother Mut, 5 November 1977.

⁶⁷² Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 5-7; Case 003, **D4.1.837**, Written Record of Interview of Witness **Hen Sophal**, *alias* Chhum, 31 August 2009, p. 3; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.30.6**, DK Report entitled “General Staff Study Session, Second Session: Table of Participant Statistics”, 23 November 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977; Case 003, **D1.3.27.17**, Minutes of the Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976; Case 003, **D1.3.27.24**, Minutes of the Meeting of Division 920, Comrades Say and Ren, 16 December 1976; Case 003, **D1.3.27.25**, Minutes of the Meeting of Division 801, Comrades Seuan and Thi, 16 December 1976.

⁶⁷³ Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976.

⁶⁷⁴ Case 003, **D4.1.1151**, Written Record of Interview of Witness **Prak Yoeun**, *alias* Y, 4 March 2008, p. 6; Case 003, **D4.1.509**, Written Record of Interview of Witness **Khoem Samhuon**, *alias* Tauch, *alias* Aun, 6 March 2009, p. 5.

⁶⁷⁵ Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay Voeun, 16 December 2009, p. 3; Case 003, **D4.1.827** Written Record of Interview of Witness **Him Horn**, 18 December 2009, p. 3; Case 003, **D4.1.504**, Written Record of Interview of Witness **Kev Kin**, 12 February 2009, p. 3.

⁶⁷⁶ Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, p. 4; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 3.

⁶⁷⁷ Case 003, **D4.1.1151**, Writte Record of Interview of Witness **Prak Yoeun**, *alias* Y, 4 March 2008, p. 6; Case 003, **D4.1.509**, Written Record of Interview of Witness **Khoem Samhuon**, *alias* Tauch, *alias* Aun, 6 March 2009, p. 5; Case 003, **D4.1.805**, Written Record of Interview of Witness ██████████ 8 November 2009, p. 4; Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 3.

⁶⁷⁸ Case 003, **D4.1.240**, Written Record of Interview of Witness **Oeun Tan**, 9 October 2008, p. 5; Case 003, **D1.3.27.8**, Minutes of the Meeting of Secretaries and Economics of Divisions, 16 May 1976; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.30.6**, DK Report entitled “General Staff Study Session, Second Session: Table of Participant Statistics”, 23 November 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy

Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977.

⁶⁷⁹ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3.

⁶⁸⁰ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, pp. 8-9; Case 003, **D1.3.9.4**, DK Report entitled “With Respect to Brother 89, Brother 81”, 29 March 1977.

⁶⁸¹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 3; Case 003, **D1.3.13.13**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 16 August 2008, p. 7.

⁶⁸² Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 7.

⁶⁸³ Case 003, **D1.3.30.2**, Meas Mut’s Report entitled “May Brother 89 be informed”, 5 January 1976.

⁶⁸⁴ Case 003, **D1.3.12.20**, Mut’s Secret Telephone Message: Report dated 12 August 1977; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977.

⁶⁸⁵ Case 003, **D1.3.12.20**, Mut’s Secret Telephone Message: Report dated 12 August 1977.

⁶⁸⁶ Case 003, **D1.3.12.20**, Mut’s Secret Telephone Message: Report dated 12 August 1977.

⁶⁸⁷ Case 003, **D1.3.30.4**, Summary of the Situation from 15 July until 31 August 1976.

⁶⁸⁸ Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 1.

⁶⁸⁹ Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976, pp. 1-2.

⁶⁹⁰ Case 003, **D4.1.845**, Written Record of Interview of Witness **Lonh Dos**, 20 November 2009, pp. 4-5.

⁶⁹¹ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3.

⁶⁹² Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, p. 4; Case 003, **D4.1.1056**, Written Record of Interview of Witness **Choun Thi**, *alias* Thi Ov, 2 March 2010, p. 8; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 5; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, p. 6; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6.

⁶⁹³ Case 003, **D4.1.1020**, Mut’s Telegram “To respected Brother 89”, 20 February 1976; Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976; Case 003, **D1.3.30.2**, Meas Mut’s Report entitled “May Brother 89 be informed”, 5 January 1976; Case 003, **D1.3.12.3**, Mut’s Report to Brother 89, 22 February 1976; Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976: (Mut reported about the finding of a letter sent to Battalion 165 Deputy Secretary Sam At and Regiment Deputy Secretary Bunny or Sunny, and requested Son Sen’s advise: “As for this matter, please, Angkar, give advice and make a decision because as we have seen it is fairly seen.”); Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976; Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 2-3; Case 003, **D1.3.12.2**, Mut’s Report: “Dear Brother 89 with respect”, 6 February in

au unspecified year; Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977; Case 003, **D1.3.34.60**, Telegram Number 00, Band 354 from Mut to Committee 870, 31 December 1977.

⁶⁹⁴ Case 003, **D1.3.34.64**, Mut's Confidential Telephone Communication to Respected Brother 89, 29 March 1978; Case 003, **D1.3.30.25**, Mut's Secret Telephone, Report from Division 164, 1 April 1978; Case 003, **D4.1.637**, Mut's Confidential Telephone Message to Respected Brother 89, 4 April 1978; Case 003, **D1.3.12.20**, Mut's Secret Telephone Message: Report dated 12 August 1977.

⁶⁹⁵ Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled "Dear respected Brother 89", 19 October 1976; Case 003, **D4.1.1010**, Letter from Kan and Mut, entitled "To Respected Brother 89", regarding a request by Elizabeth Becker, 8 December 1978.

⁶⁹⁶ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 26, p. 9.

⁶⁹⁷ Case 003, **D1.3.30.2**, Meas Mut's Report entitled "May Brother 89 be informed", 5 January 1976.

⁶⁹⁸ Case 003, **D4.1.1020**, Mut's Telegram "To respected Brother 89", 20 February 1976; Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976; Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976; Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled "Dear respected Brother 89", 19 October 1976; Case 003, **D4.1.637**, Mut's Confidential Telephone Message to Respected Brother 89, 4 April 1978.

⁶⁹⁹ Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976; Case 003, **D1.3.12.2**, Mut's Report: "Dear Brother 89 with respect", 6 February in an unspecified year.

⁷⁰⁰ Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977; Case 003, **D1.3.12.3**, Mut's Report to Brother 89, 22 February 1976; Case 003, **D4.1.637**, Mut's Confidential Telephone Message to Respected Brother 89, 4 April 1978; Case 003, **D1.3.34.64**, Mut's Confidential Telephone Communication to Respected Brother 89, 29 March 1978; Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976; Case 003, **D1.3.12.20**, Mut's Secret Telephone Message: Report dated 12 August 1977; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976.

⁷⁰¹ Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976.

⁷⁰² Case 003, **D1.3.30.2**, Meas Mut's Report entitled "May Brother 89 be informed", 5 January 1976.

⁷⁰³ Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled "Dear respected Brother 89", 19 October 1976; Case 003, **D4.1.1020**, Mut's Telegram "To respected Brother 89", 20 February 1976.

⁷⁰⁴ Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976; Case 003, **D1.3.12.20**, Mut's Secret Telephone Message: Report dated 12 August 1977; Case 003, **D10.1.98**, DK Report entitled "Division 801 Report: This is to respectfully report to Uncle 89 [...]", 25 November 1976, p. 6; Case 003, **D4.1.1015**, DK Report entitled "Division 801 Report to Respected Uncle 89", 30 March 1977; Case 003, **D1.3.34.23**, Soeung's Telegram, 12 August 1977.

⁷⁰⁵ Case 003, **D1.3.34.64**, Mut's Confidential Telephone Communication to Respected Brother 89, 29 March 1978.

⁷⁰⁶ Case 003, **D4.1.1042**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay, 4 March 2010, p. 3; Case 003, **D4.1.849**, Written Record of Interview of Witness **Khum Kim**, *alias* Nuon Pet, 30 November 2009, p. 5; Case 003, **D4.1.846**, Written Record of Interview of Witness **Ieng Phan**, 23 November 2009, p. 3; Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 4.

- ⁷⁰⁷ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 8; Case 003, **D4.1.843**, Written Record of Interview of Witness **Leok Sao**, 12 November 2009, pp. 2-3.
- ⁷⁰⁸ Case 003, **D4.1.843**, Written Record of Interview of Witness **Leok Sao**, 12 November 2009, p. 3.
- ⁷⁰⁹ Case 003, **D4.1.1042**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay, 4 March 2010, p. 3; Case 003, **D4.1.699**, Comrade Dim's Telegram to Brother Mut, 24 September 1976; Case 003, **D1.3.34.39**, Telegram 04, Band 429 from Roeun to Brother Mut, 5 November 1977.
- ⁷¹⁰ Case 003, **D4.1.739**, Presentation by the Comrade Party Secretary during the session of the first Meeting of the Council of Ministers, 22 April 1976.
- ⁷¹¹ Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976.
- ⁷¹² Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976.
- ⁷¹³ Case 003, **D1.3.5.3**, Division 164, List of Forces, 27 October 1976.
- ⁷¹⁴ Case 003, **D1.3.34.39**, Telegram 04, Band 429 from Roeun to Brother Mut, 5 November 1977; Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977.
- ⁷¹⁵ Case 003, **D1.3.34.12**, Telegram 12 from Comrade Dim to Brother Mut, 27 September 1976.
- ⁷¹⁶ Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977.
- ⁷¹⁷ Case 003, **D1.3.34.15**, Telegram 17 from Comrade Dim: Dear beloved and missed Brother Mut, 8 October 1976; Case 003, **D1.3.14.2**, Moeun's Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977, p. 1.
- ⁷¹⁸ Case 003, **D1.3.34.13**, Telegram 16 from Comrade Dim to Brother Mut, 6 October 1976.
- ⁷¹⁹ Case 003, **D1.3.34.39**, Telegram 04, Band 429 from Roeun to Brother Mut, 5 November 1977.
- ⁷²⁰ Case 003, **D1.3.4.1**, Letter from Comrade Mut, entitled "Dear respected Brother 89" 19 October 1976; Case 003, **D4.1.1020**, Mut's Telegram "To respected Brother 89" 20 February 1976.
- ⁷²¹ Case 003, **D4.1.699**, Comrade Dim's Telegram to Brother Mut, 24 September 1976; Case 003, **D1.3.34.12**, Telegram 12 from Comrade Dim to Brother Mut, 27 September 1976; Case 003, **D1.3.34.14**, Telegram 15 from Comrade Dim to Brother Mut, 6 October 1976; Case 003, **D1.3.34.13**, Telegram 16 from Comrade Dim to Brother Mut, 6 October 1976; Case 003, **D1.3.34.15**, Telegram 17 from Comrade Dim: Dear beloved and missed Brother Mut, 8 October 1976.
- ⁷²² Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976; Case 003, **D2/9**, Written Record of Interview of Witness Say Born, 7 September 2010, p. 7.
- ⁷²³ There were 83, Confession documents available on the case file before the conclusion of the investigation: Case 003, **D1.3.1.1**, Confession of CHHUN Lon, *alias* At, Deputy Chief of Battalion 165, Division 164, 13 May 1977; Case 003, **D1.3.1.2**, Confession of KUNG Kien, *alias* Ing Vet, Secretary of Battalion 631, Regiment 63, Division 164, 7 May 1977; Case 003, **D1.3.1.3**, Confession of MEN Nget, Member of Division 164, 16 October 1977; Case 003, **D1.3.1.4**, Confession of MOM Chim, *alias* Yan, Member of Division 164, 13 June 1977; Case 003, **D1.3.1.5**, Confession of NAY Chap, Secretary of Battalion 503, Division 502, 27 August 1977; Case 003, **D1.3.1.6**, Confession of PEN Ham, Secretary of Battalion 170, Division 164, 30 May 1977; Case 003, **D1.3.1.7**, Confession of PEN Ham, Secretary of Battalion 170, Division 164, 3 July 1977; Case 003, **D1.3.1.8**, Confession of Sam, Commander of Regiment 140, Division 164, 13 July 1976; Case 003, **D1.3.1.9**, Confession of SANN Seap, *alias* Sam, Deputy Chief of Regiment 62, Division 164, 11 September 1977; Case 003, **D1.3.1.10**, Confession of SREY Saroeun, Member of Battalion 621, Division 502, 19 October 1977; Case 003, **D1.3.1.11**, Confession of SUON Hoeung, Deputy Secretary of Battalion 511, Division 502, 29 August 1977; Case 003, **D1.3.1.12**, Confession of UK Van, *alias* Vin, Member of Battalion 503, Division 502, 24 September

1977; Case 003, **D1.3.1.13**, Confession of Vietnamese prisoner of war Huynh Minh Châu, Lieutenant, Navy, 3 April 1978; Case 003, **D1.3.1.14**, Confession of VINH Seang, Yuon spy, Sergeant, 23 May 1978; Case 003, **D1.3.5.15**, Confession of SOENG Krin, *alias* Nguon, boat maker at Otres, Division 164, 25 April 1977; Case 003, **D1.3.18.1**, Confession of HOENG Doeun, *alias* Dim, Deputy Secretary of Division 164, 15 May 1977; Case 003, **D1.3.18.2**, Confession of HOENG Doeun, *alias* Dim, Deputy Secretary of Division 164, 1 August 1977; Case 003, **D1.3.18.3**, Confession of KUN Dim, Battalion Commander, Division 164, 20 July 1977; Case 003, **D1.3.18.4**, Confession of KUNG Kien, *alias* ING Vet, Secretary of Battalion 631, Regiment 63, Division 164, 26 May 1977; Case 003, **D1.3.18.5**, Confession of LE Van Giu, *alias* LE Van Dung, Private First Class, Security Forces of Chau Thanh District, Tay Ninh Province, 26 June 1978; Case 003, **D4.1.8**, Confession of SUN Ti, *alias* Teanh, Logistics, Military Staff, 12 October 1978; Case 003, **D4.1.11**, Confession of YIM Sam Ol, *alias* Nha, Secretary of Regiment 55, Division 502, 9 December 1978; Case 003, **D4.1.13**, Confession of AN Kan, *alias* Kol, Commander of Battalion 702, Regiment 601, 8 October 1977; Case 003, **D4.1.16**, Confession of HU Nim, *alias* Phoas, Minister of Propaganda, 10 April 1977; Case 003, **D4.1.18**, Confession of KOY Thuon, 4 May 1977; Case 003, **D4.1.20**, Confession of LAY Huo, *alias* Lay, 19 May 1978; Case 003, **D4.1.24**, Confession of MEAS Nhan, *alias* Dou, former Company Member, Battalion 43, Kampong Som, 18 February 1978; Case 003, **D4.1.26**, Confession of NON Suon, *alias* CHEY Suon, 27 January 1977; Case 003, **D4.1.26**, Confession of CHEY Suon, *alias* Sen (Vol. 1-4), 20 September 1976; Case 003, **D4.1.28**, Confession of PENH Thuok, *alias* VORN Vet or Sok, Minister of Industry, 3 December 1978; Case 003, **D4.1.30**, Confession of PHON Phal, Chairman of brick Factory O-3, 6 November 1977; Case 003, **D4.1.31**, Confession of Phorn, Fishery Commerce; Case 003, **D4.1.32**, Confession of CHEA Non, *alias* Suong, Secretary of Division 450, 20 February 1977; Case 003, **D4.1.35**, Confession of SIENG Phon, *alias* Pha, Assistant of Battalion 701, Division 174, 28 October 1977; Case 003, **D4.1.36**, Confession of SOKH Yay, Chairman of a company guard at the Ministry of Foreign Affairs, 22 October 1976; Case 003, **D4.1.349**, Confession of LONG Muy, *alias* Chuon, Head of the Khmer-Chinese Interpreters Team, Office K16, 17 October 1977; Case 003, **D4.1.351**, Confession of Phan, State Fishing Section, 8 November 1976; Case 003, **D4.1.491**, Confession of CHEN Din, 7 July 1978; Case 003, **D4.1.498**, Confession of CHEA Sin, *alias* Kosal, Combatant of Division 170, 26 September 2008; Case 003, **D4.1.499**, Confession of Kheang Sing Hun, *alias* But, Secretary of Sector 104, 24 October 1978; Case 003, **D4.1.500**, Confession of MUOY Pay, Secretary of Veunsai Khang Cheung District, Sector 101, 26 September 2008; Case 003, **D4.1.501**, Confession of MEAS Chhuon, *alias* Moeun, Office Chairman, State Market Supply, Ministry S-71, 10 July 1978; Case 003, **D4.1.502**, Confession of SEAT Chhae, *alias* Tum, Secretary of Sector 22, East Zone, 15 September 1977; Case 003, **D4.1.651**, Confession of CHAN Chakrey, *alias* Mean, Secretary of Division 170, 18 July 1976; Case 003, **D4.1.652**, Confession of CHAN Sam, *alias* Se, Secretary of Zone 801, 10 September 1978; Case 003, **D4.1.943**, Confession of SUOS Nov, *alias* Chhouk or Men, Secretary of Sector 24, 31 August 1976; Case 003, **D4.1.944**, Confession of TOUCH Heng, *alias* Kol, 9 July 1977; Case 003, **D4.1.945**, Confession of KONG Chea Sin, *alias* Sun, Cooperative Deputy Chairman, 5 June 1978; Case 003, **D4.1.946**, Confession of CHEA Sin, *alias* Sun, Sector Secretary, East Zone, 8 June 1978; Case 003, **D4.1.996**, Confession of YIN Yon, Battalion 332, Regiment 33, Division 703, 9 October 1977; Case 003, **D4.1.997**, Confession of SIENG Phon, *alias* Pha, Assistant of Battalion 701, Division 174, 11 November 1977; Case 003, **D4.1.1060**, Confession of LAY Sarim, Chairman of Division 801's Hospital, 23 May 1977; Case 003, **D4.1.1063**, Confession of CHOUT Nhe, Member of Battalion 701, Regiment 601, Division 174, 19 October 1977; Case 003, **D4.1.1064**, Confession of CHAN Mon, 11 June 1977; Case 003, **D4.1.1065**,

Confession of SAO Phan, *alias* San, Soldier of the Centre; Case 003, **D4.1.1066**, Confession of PEN Ham, Secretary of Battalion 170, Division 164, 24 May 1977; Case 003, **D4.1.1067**, Confession of CHEA Bun, *alias* Buon, Chairman of Construction II, Kbal Thnal, 13 January 1977; Case 003, **D4.1.1068**, Confession of KRUCH Man, Battalion 322, Division 703, 18 September 1977; Case 003, **D4.1.1069**, Confession of ENG Meng Heang, *alias* Chhon, 6 February 1977; Case 003, **D4.1.1070**, Confession of SOENG Krin, *alias* Nguon, Battalion 611, Division 164, 25 January 1977; Case 003, **D4.1.1071**, Confession of LUN In, Secretary of Battalion 705, Regiment 601, Division 174, 21 October 1977; Case 003, **D4.1.1091**, Confession of SAOM Dang, Member of Company 31, 6 August 1977; Case 003, **D4.1.1092**, Confession of TIT Son, *alias* Nhem, 27 October 1976; Case 003, **D4.1.1093**, Confession of KOY Thuon, *alias* Khuon, Minister of Commerce, 5 February 1977; Case 003, **D10.1.1**, Confession of YUNG Peou, Head of Security, Sector 106, 24 April 1977; Case 003, **D10.1.3**, Confession of KE Kimhuot, Former Secretary of Sector 7, 21 February 1977; Case 003, **D10.1.33**, Confession of Vo Thi Thuy, Female Spy, 10 April 1978; Case 003, **D10.1.51**, Confession of PO Phat, *alias* Hang, Secretary of Sector 103, 26 September 2008; Case 003, **D10.1.52**, Confession of NHEM Noeun, *alias* Khoeun, District Committee, Sector 106, 26 September 2008; Case 003, **D10.1.53**, Confession of BORN Nan, *alias* Yi, Secretary of Sector 505, 20 March 1978; Case 003, **D10.1.54**, Confession of PRAK Sam, *alias* Beng, District Secretary, Sector 106, 25 March 1977; Case 003, **D10.1.55**, Confession of YORNG Peou, Security Chief of Sector 106, 27 April 1977; Case 003, **D10.1.69**, Confession of KEO Seng, *alias* Saroeun, Member of Division 801, 8 October 1977; Case 003, **D10.1.96**, Confession of KUNG Sophal, *alias* Keu, Former Teacher, 3 December 1978; Case 003, **D10.1.99**, Confession of PA Phal, *alias* Sot, Chief of Siem Reap Province, Sector 106, 21 February 1977; Case 003, **D10.1.103**, Confession of CHOUT Nhe, Member of Battalion 701, Regiment 601, Division 174, 19 November 1977; Case 003, **D10.1.104**, Confession of SREY Chhieng, *alias* Sang, Deputy Chief of Regiment 920, 15 December 1976; Case 003, **D10.1.105**, Confession of SO Tuon, *alias* Mao, 15 May 1977; Case 003, **D10.1.107**, Confession of KOY Vannak, *alias* Kou, 28 August 1978; Case 003, **D10.1.108**, Confession of UM Soeun, 28 August 1975; Case 003, **D10.1.109**, Confession of **PHOK Sien**, Deputy Secretary of Sector 24, 4 August 1978; Case 003, **D10.1.110**, Confession of SAO Lun, *alias* Na, Combatant, Driver, Ministry of Industry, North-East Zone, 14 August 1978; Case 003, **D10.1.111**, Confession of SO Heang, *alias* Yom, Chief of Office K-9, 18 July 1978.

⁷²⁴ Case 003, **D1.3.18.1**, Confession of HANG Doeun, *alias* Dim, Deputy Secretary of Division 164, 22 July 1977, with an annotation: Dim, Deputy [Secretary of] Division, Comrade Mut; Case 003, **D1.3.1.7**, Confession of PEN Ham, Secretary of Battalion 170, Division 164, 24 May 1977, with an annotation on page 1, point 3: key persons in Comrade Mut's unit were also involved, and we are trying to solve.

⁷²⁵ There were 145 telegrams available on the case file before the conclusion of the investigation: Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976; Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976; Case 003, **D1.3.14.3**, Telegram 60, 1473 characters, from Se "[To] missed and beloved Committee 870", 5 September 1977; Case 003, **D1.3.14.4**, Telegram 32, 295 [Radio Band], from Comrade Pork to Missed Committee 870, 29 March 1978; Case 003, **D1.3.34.1**, Telegram via Kolaing, to Uncle 89, 23 January 1976; Case 003, **D1.3.34.2**, Telegram 78 from But to Brother Mo. 870 [Office 870] and Brother Vi, 26 January 1976; Case 003, **D1.3.34.3**, Telegram from Chhin to respected Brother 89, 26 January 1976; Case 003, **D1.3.34.4**, Telegram from Ya to respected Brother(s), 16 February 1976; Case 003, **D1.3.34.5**, Telegram from Chhin to Beloved Brother 89, 29 February 1976; Case 003, **D1.3.34.6**, Telegram 25 from Ya to respected Brother(s), 7 March 1976; Case 003, **D1.3.34.7**, Telegram 31, 265

characters, from Nhim to Beloved and Missed Office 870, 9 March; Case 003, **D1.3.34.8**, Telegram 21, Band 676, from Chhon to Beloved and Missed Brother Pol, 21 March 1976; Case 003, **D1.3.34.9**, Telegram from S-21 to beloved Angkar (organization), 23 March 1976; Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976; Case 003, **D1.3.34.11**, Telegram 11, from Dim to Brother Mut, 24 September 1976; Case 003, **D1.3.34.12**, Telegram 12 from Comrade Dim to Brother Mut, 27 September 1976; Case 003, **D1.3.34.13**, Telegram 16 from Comrade Dim to Brother Mut, 6 October 1976; Case 003, **D1.3.34.14**, Telegram 15 from Comrade Dim to Brother Mut, 6 October 1976; Case 003, **D1.3.34.15**, Telegram 17 from Comrade Dim: Dear beloved and missed Brother Mut, 8 October 1976; Case 003, **D1.3.34.17**, Telegram 43 from Leu to Beloved Brother Reuan, 23 April 1977; Case 003, **D1.3.34.18**, Telegram 54, Band 274, from Chhan to Beloved and Missed Mo-870, 20 May 1977; Case 003, **D1.3.34.19**, Telegram from Sector 23 about the border situation; Case 003, **D1.3.34.20**, Telegram 07, Band 545, from Vi to Respected Brother, 15 June 1977; Case 003, **D1.3.34.21**, Telegram to Brother 89, 17 June 1977; Case 003, **D1.3.34.22**, Telegram from Sector 20; Case 003, **D1.3.34.23**, Soeung's Telegram, 12 August 1977; Case 003, **D1.3.34.24**, Telegram 22, Band 1474, from Chhean to Respected and Beloved Mo-81, 14 August 1977; Case 003, **D1.3.34.25**, Telegram 52, 874 [Radio] Band, from Se to missed and beloved Com[mittee] 870, 23 August 1977; Case 003, **D1.3.34.26**, Telegram 68, 1630 [Radio Band], from Chhean to beloved and missed Mo. [Office] 81, 30 August 1977; Case 003, **D1.3.34.27**, Telegram 38 from Office 09, Koh Kong Military, 12 September 1977; Case 003, **D1.3.34.29**, Telegram 39, 240 [Radio Bands] from Chhon to beloved and missed brother Pol, 24 September 1977; Case 003, **D1.3.34.30**, Telegram 41, 818 [Radio Bands], from Chhon to beloved and missed Brother Pol, 26 September 1977; Case 003, **D1.3.34.31**, Telegram 45 from Office 09, Koh Kong, 6 October 1977; Case 003, **D1.3.34.32**, Telegram 54, 642 [Radio] Band, to respected, beloved and missed M 870, 26 October 1977; Case 003, **D1.3.34.33**, Telegram 56, 348 [Radio] Band, from Chhon to respected and beloved M 870, 26 October 1977; Case 003, **D1.3.34.34**, Telegram 390, 403 [Radio] Band, from Chhon to respected and beloved M 870, 26 October 1977; Case 003, **D1.3.34.35**, Telegram 57, 273 [Radio] Band, to respected and beloved M 870, 27 October 1977; Case 003, **D1.3.34.36**, Telegram 61, 137 [Radio band], from Chhon to respected and beloved M[Office] 870, 28 October 1977; Case 003, **D1.3.34.37**, Telegram 59, 684 [Radio Band], to respected and beloved M [Office] 870, 28 October 1977; Case 003, **D1.3.34.38**, Telegram 60, 378 [Radio band], from Chhon to respected and beloved M [Office] 870, 29 October 1977; Case 003, **D1.3.34.39**, Telegram 04, Band 429 from Roeun to Brother Mut, 5 November 1977; Case 003, **D1.3.34.40**, Telegram 69, 560 [Radio Band], from Chhon to beloved M [Office] 870, 7 November 1977; Case 003, **D1.3.34.41**, Telegram 82, Band 328, from Chhon to Beloved and Missed Brother Pol, 18 November 1977; Case 003, **D1.3.34.42**, Telegram 85, [Radio Band] 332, from Chhon to respected and beloved M 870, 7 December 1977; Case 003, **D1.3.34.43**, Telegram 91, 262 [Radio Band], from Chhon to beloved M 870, 9 December 1977; Case 003, **D1.3.34.44**, Telegram 92, [Radio] Band 320, from Chhon to beloved M 870, 12 December 1977; Case 003, **D1.3.34.45**, Telegram 95, 139 [Radio] Band, from Chhon to beloved and missed M 870, 13 December 1977; Case 003, **D1.3.34.46**, Telegram 96, 674 [Radio] Band, from Chhon to beloved and missed M 870, 13 December 1977; Case 003, **D1.3.34.47**, Telegram 238, 195 [Radio] Band, from Se to beloved M 870, 13 December 1977; Case 003, **D1.3.34.48**, Telegram 2, 343 Band, from Chhon to respected Brothers, 22 December 1977; Case 003, **D1.3.34.49**, Telegram 05, [Radio] Band 160, to respected and beloved M 870, 22 December 1977; Case 003, **D1.3.34.50**, Telegram 68, 324 [Radio] Band, from Kuon to Comrade Yi through [Office] 870, 22 December 1977; Case 003, **D1.3.34.51**, Telegram 22, 362 [Radio] Band, from Nhim and Tem to M 870, 22 December 1977; Case 003, **D1.3.34.52**, Telegram 07,

[Radio] Band 269, to respected and beloved M 870, 23 December 1977; Case 003, **D1.3.34.53**, Telegram 06, 285 [Radio] Band, from Phuong to respected and beloved M 870, 23 December 1977; Case 003, **D1.3.34.54**, Telegram 08, 275 [Radio] Band, from Phuong to respected and beloved M 870, 24 December 1977; Case 003, **D1.3.34.55**, Telegram 03, 303 Band, from Chhon to beloved Brother Pâ, 24 December 1977; Case 003, **D1.3.34.56**, Telegram 11, 251 [Radio] Band, from Phuong to respected and beloved M 870, 27 December 1977; Case 003, **D1.3.34.57**, Telegram 25, 184 [Radio] Band, from Nhim to respected Angkar 870, 24 December 1977; Case 003, **D1.3.34.58**, Telegram 09, 550 Band, from Phuong to respected and beloved Office 870, 24 December 1977; Case 003, **D1.3.34.59**, Telegram 17, Band 1297, from Phuong to beloved and respected M-870, 15 January 1978; Case 003, **D1.3.34.60**, Telegram Number 00, Band 354 from Mut to Committee 870, 31 December 1977; Case 003, **D1.3.34.61**, Telegram 11, Radio band 353, to beloved and respected brother, 14 February 1978; Case 003, **D1.3.34.62**, Telegram 207 from Nhim to Angkar 870 with respect, 17 February 1978; Case 003, **D1.3.34.63**, Telegram 313, 502 characters, from Se to beloved Committee 870, 19 March 1978; Case 003, **D1.3.34.65**, Telegram 16, 318 [Radio Band], to respected and beloved Brother 009, 20 March 1978; Case 003, **D1.3.34.66**, Telegram 1, 31 March 1978; Case 003, **D1.3.34.67**, Telegram 35, from Roeun to respected and beloved Grand Uncle 89, 5 April 1978; Case 003, **D1.3.34.68**, Telegram 18, 208 [Radio Band], to beloved and respected Brother, 8 April 1978; Case 003, **D1.3.34.69**, Telegram 02, 191 [Radio Band], from Mok to Beloved Brother Pol, 8 April 1978; Case 003, **D1.3.34.70**, Telegram 55, 163 [Radio Band], from Sarun to Respected Brother, 24 April 1978; Case 003, **D1.3.34.71**, Telegram 09, 326 [Radio Band], from Vi to Respected Brother, 25 April 1978; Case 003, **D1.3.34.72**, Telegram 20, 448 [Radio Band], to Respected and Beloved Brother, 26 April 1978; Case 003, **D1.3.34.73**, Telegram 09, Radio band 582, from Pok to beloved Com 870, 29 April 1978; Case 003, **D1.3.34.74**, Telegram 10, Band [Radio 393], from Pauk to beloved and missed committee 870, 4 May 1978; Case 003, **D1.3.34.76**, Telegram 13, 330 [Radio Band], from Pauk to missed committee 870, 9 May 1978; Case 003, **D1.3.34.77**, Telegram 63, 200 [Radio Band], from Nhim to beloved and missed Angkar 870 [Office], 15 June 1978; Case 003, **D4.1.200**, Telegram 16, Band 318, to Respected and Beloved Brother 009, 20 March 1978; Case 003, **D4.1.202**, Telegram 02, 680 [Radio Band], from Pauk to Respected Committee 870, 12 April 1978; Case 003, **D4.1.206**, Telegram from Nhim to Angkar 870, 5 November 1978; Case 003, **D4.1.213**, Telegram 15, Band 273, from Office 401 to Respected and Beloved Organization, 25 June 1978; Case 003, **D4.1.226**, Telegram 63, 253 [Radio Band], from Ry to respected Brother, 1 January 1978; Case 003, **D4.1.230**, Telegram 15, Characters: 791, from Chhon to Respected and Missed Brother Pâ, 19 January 1978; Case 003, **D4.1.232**, Telegram 17, Band 674, from Chhon to beloved Brother Pâ, 27 January 1978; Case 003, **D4.1.293**, Telegram 58, Characters: 218, from Chhon to respected and beloved Office 870, 27 October 1977; Case 003, **D4.1.294**, Telegram 68, Radio Band 410, from Chhon to Beloved and Missed Brother Pâ, 6 November 1977; Case 003, **D4.1.295**, Telegram 46, Characters: 246, from Kuon to Comrade Yi via Office 870, 5 November 1977; Case 003, **D4.1.296**, Telegram 85, Band 379, from Chhon to Beloved and Missed Brother Pol, 19 November 1977; Case 003, **D4.1.297**, Telegram 83, 325 characters, from Chhon to Respected and Beloved Brother Pâ, 6 December 1977; Case 003, **D4.1.298**, Telegram 90, 262 characters, from Chhon to Beloved Office 870, 9 December 1977; Case 003, **D4.1.299**, Telegram 224, 205 characters, from Se to Beloved and Missed Com. 870, 10 December 1977; Case 003, **D4.1.300**, Telegram 225, Radio Band 127, from Se to Beloved Committee 870, 10 December 1977; Case 003, **D4.1.301**, Telegram 15, Radio Band 191, from Yi to Respected and Beloved M-870, 16 December 1977; Case 003, **D4.1.302**, Telegram 67, Radio Band 114, from Kuon to Comrade Yi, 22 December 1977; Case 003, **D4.1.303**, Telegram 47, Characters 267, from Sarun to Respected

and Beloved Brothers of Office 870, 1 January 1978; Case 003, **D4.1.308**, Telegram 34, 825 characters, from Roat to Respected and Beloved Brother, 11 February 1978; Case 003, **D4.1.311**, Telegram 40, 221 Series, from Roth to Respected and Beloved Brother, 21 February 1978; Case 003, **D4.1.313**, Telegram 06, from Division 117: Report to the General Staff, 2 March 1978; Case 003, **D4.1.314**, Telegram 48, 620 [Radio Band], from Roath to Respected Brother, 13 March 1978; Case 003, **D4.1.316**, Telegram 28, Band 305, from Peam to respected Representative of Angkar (Organisation), 23 March 1978; Case 003, **D4.1.317**, Telegram 30, Band 325, from Peam to respected Brother Representative of Angkar (Organisation), 24 March 1978; Case 003, **D4.1.320**, Telegram 63, 755 [Radio Band], from Roath to Respected Brother, 4 April 1978; Case 003, **D4.1.321**, Telegram 05, from Pork to Beloved and Missed Committee 870, 18 April 1978; Case 003, **D4.1.323**, from 47 to Respected, Beloved and Missed Brothers, 22 April 1978; Case 003, **D4.1.325**, Telegram 05, Radio band 123, from Vi to Respected Brother, 21 March 1978; Case 003, **D4.1.328**, Telegram 97, Radio Band 1037, from Chhon to beloved one, 17 December 1977; Case 003, **D4.1.329**, Telegram 79 from But to Respected Bother, 17 January 1976; Case 003, **D4.1.332**, Telegram 20, from Ya to Respected Brothers, 3 March 1976; Case 003, **D4.1.335**, Telegram 11, Radio Band 271, from Chhon to Beloved and Missed M-870, 10 September 1976; Case 003, **D4.1.336**, Telegram from Khiev to Beloved and Missed Comrade Reuan, 23 September 1976; Case 003, **D4.1.338**, Telegram 34, Band 1313, from Chhean to Respected and Beloved Brother, 29 April 1977; Case 003, **D4.1.339**, Telegram 95, 326 [Radio Band], from Yi to Beloved Office 870, 11 May 1977; Case 003, **D4.1.340**, Telegram 03, Characters: 220, from Sophea to Beloved and Missed Brother Chhan, 20 June 1977; Case 003, **D4.1.341**, Telegram 32 from Soeung to Beloved and Missed Brother, 24 August 1977; Case 003, **D4.1.574**, Telegram 10, Characters: 393, from Pok to Beloved Com 870, 4 May 1978; Case 003, **D4.1.575**, Telegram 11, Characters: 477, from Pok to Brother, 6 May 1978; Case 003, **D4.1.577**, Telegram 08, Characters: 371, from Ri to Respected Brother, 21 April 1978; Case 003, **D4.1.578**, Telegram 54, Radio Band: 290, from Sarun to Respected Brother, 23 April 1978; Case 003, **D4.1.579**, Telegram 94, Band 1100, from Pok to respected Brother Pol, 2 April 1976; Case 003, **D4.1.602**, Telegram 20, Characters: 448, from 47 to Brother, 26 April 1978; Case 003, **D4.1.603**, Telegram 55, Band: 163, from Sarun to Respected Brother, 24 April 1978; Case 003, **D4.1.604**, Telegram 324, Band: 1230, from Se to Beloved Committee 870, 10 April 1978; Case 003, **D4.1.606**, Telegram 18, 208 characters, from Se to Brother, 8 April 1978; Case 003, **D4.1.607**, Telegram 13, Characters: 330, from Pok to Com 870, 9 May 1978; Case 003, **D4.1.608**, Telegram 11, Characters: 477, from Pok to Brother, 6 May 1978; Case 003, **D4.1.609**, Telegram 08, Characters: 371, from Ri to Respected Brother, 21 April 1978; Case 003, **D4.1.610**, Telegram 02, Characters: 191, from Mok to Respected and Beloved Brother Pol, 8 April 1978; Case 003, **D4.1.612**, Telegram 324, Respectfully sent to Beloved Committee 870, 10 April 1978; Case 003, **D4.1.700**, Telegram 21, 74 characters, from Nhim to Respected Angkar 870, 21 December 1977; Case 003, **D4.1.701**, Telegram 34, from Chhan to respected and beloved M870, 4 December; Case 003, **D4.1.703**, Telegram 46, Numbers of Code Signals: 243, from Sarun to respected M-870, 9 April 1978; Case 003, **D4.1.704**, Telegram 89, 278 digits, from Yi to Dear Office 870, 1 May 1977; Case 003, **D4.1.712**, Telegram from Lin to Beloved M.870, 14 August 1977; Case 003, **D4.1.728**, Telegram from M.870 to Bang, 3 September 1977; Case 003, **D4.1.733**, Telegram 95, Radio Band: 326, from Yi to Beloved Office 870, 11 May 1977; Case 003, **D4.1.738**, Telegram 98, 141 characters, from Agriculture Team to Beloved and Respected Office 870, 7 May 1977; Case 003, **D4.1.892**, Telegram 32, 295 characters, from Pauk to Missed Committee 870, 29 March 1978; Case 003, **D4.1.899**, Telegram 23 from Chhin "To Beloved Brother 89", 20 May 1976; Case 003, **D4.1.901**, Telegram 802 from Chhin to Beloved Brother 89, 26 November 1976; Case 003, **D4.1.916**, Telegram

59, 136 characters, from Koeun to Bang (brother) Pork, 5 November 1977; Case 003, **D4.1.917**, Telegram 63, from Yèm to respected and beloved Brother, 21 December 1977; Case 003, **D4.1.1035**, Telegram 33, from Sâm Un to Beloved Brother Roeun, 5 April 1977; Case 003, **D4.1.1036**, Telegram 89, 278 Code Cluster, from Yi to Beloved Office 870, 1 May 1977; Case 003, **D4.1.1038**, Telegram 3, 267 characters, from Pauk to Beloved and Missed Office 870 Com, 12 April 1978; Case 003, **D10.1.22**, Telegram 38, Band: 248, from Nhim to Respected Angkar 870, 12 August 1977.

⁷²⁶ Case 003, **D1.3.14.1**, Mut's Telegram: "Dear respected Brother 89", 11 June 1976, sent by **Mut**; Case 003, **D1.3.34.10**, Mut's Telegram No.44: "Dear respected Brother 89", 13 August 1976, sent by **Mut**; Case 003, **D1.3.34.60**, Telegram Number 00, Band 354 to Committee 870, 31 December 1977, sent by **Mut**.

⁷²⁷ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976; Case 003, **D1.3.34.12**, Telegram 12 to **Brother Mut**, 27 September 1976, sent by Dim; Case 003, **D1.3.34.13**, Telegram 16 to **Brother Mut**, 6 October 1976, sent by Comrade Dim; Case 003, **D1.3.34.14**, Telegram 15 to **Brother Mut**, 6 October 1976, sent by Comrade Dim; Case 003, **D1.3.34.15**, Telegram 17: Dear beloved and missed Brother Mut, 8 October 1976, sent by Comrade Dim; Case 003, **D1.3.34.39**, Telegram 04, Band 429 to Brother Mut, 5 November 1977, sent by Roeun; Case 003, **D4.1.699**, Telegram No.11 to **Brother Mut**, 24 September 1976, sent by Comrade Dim.

⁷²⁸ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976.

⁷²⁹ There were 50 meeting minutes available on the case file before the conclusion of the investigation: Case 003, **D1.3.8.2**, Minutes of the Meeting of All Division Committees, 1 June 1976; Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976; Case 003, **D1.3.8.5**, Minutes of the discussion (meeting) of Chinese team of artillery excerpts, 24 September 1976; Case 003, **D1.3.8.6**, Minutes of meeting at Division 170's Location, 1 October 1976; Case 003, **D1.3.8.7**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 18 October 1976; Case 003, **D1.3.8.9**, Minutes of an Experience Drawing Meeting on Guarding in City Defense, 19 December 1976; Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975; Case 003, **D1.3.27.2**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D1.3.27.3**, Minutes of Meeting of the CPK Standing Committee, 26 March 1976; Case 003, **D1.3.27.5**, CPK Standing Committee Meeting Minutes entitled "Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976"; Case 003, **D1.3.27.6**, Minutes of Meeting of the CPK Standing Committee, 14 May 1976; Case 003, **D1.3.27.7**, Minutes of Meeting of the CPK Standing Committee, 15 May 1976; Case 003, **D1.3.27.8**, Minutes of the Meeting of Secretaries and Economics of Divisions, 16 May 1976; Case 003, **D1.3.27.9**, Minutes of Meeting of the CPK Standing Committee, 30 May 1976; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976; Case 003, **D1.3.27.14**, Minutes of Plenary Meeting of the 920th Division, 7 September 1976; Case 003, **D1.3.27.15**, Minutes of Meeting with the Organisation's Office, 703 and S-21, 9 September 1976; Case 003, **D1.3.27.16**, Minutes of Divisional and Independent Regiment Secretary-under secretary's Meeting, 16 September 1976; Case 003, **D1.3.27.17**, Minutes of the

Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976; Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976; Case 003, **D1.3.27.19**, Minutes of the Meeting on Production Work”, 30 September 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976; Case 003, **D1.3.27.24**, Minutes of the Meeting of Division 920, Comrades Say and Ren, 16 December 1976; Case 003, **D1.3.27.25**, Minutes of the Meeting of Division 801, Comrades Seuan and Thi, 16 December 1976; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977; Case 003, **D4.1.67**, Minutes of Meeting of the CPK Standing Committee, 13 March 1976; Case 003, **D4.1.68**, Minutes of Meeting of the Standing Committee, 13 March 1976; Case 003, **D4.1.902**, Minutes of meeting on public works on 10 March 1976; Case 003, **D4.1.906**, Minutes of Meeting of the Standing Committee, 13 March 1976; Case 003, **D4.1.909**, Minutes of Meeting of the Standing Committee, the Front, 11 March 1976; Case 003, **D4.1.915**, Minutes of Meeting of the CPK Standing Committee, 28 February 1976; Case 003, **D4.1.78**, Minutes of Meeting on Health and Social Affairs, 10 June 1976; Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975; Case 003, **D4.1.95**, Minutes of Meeting of the CPK Standing Committee, the Front, 11 March 1976; Case 003, **D4.1.88**, Minutes of Meeting of the CPK Standing Committee, 9 January 1976; Case 003, **D4.1.93**, Minutes of Meeting of the CPK Standing Committee, 22 February 1976; Case 003, **D4.1.66**, Minutes of Meeting of the CPK Standing Committee, 11 March 1976; Case 003, **D4.1.69**, Minutes of Meeting of the CPK Standing Committee, 3 May 1976; Case 003, **D4.1.70**, Minutes of Meeting of the CPK Standing Committee, 7 May 1976; Case 003, **D4.1.74**, Minutes of Meeting of the CPK Standing Committee, 17 May 1976; Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975.

⁷³⁰ Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976.

⁷³¹ There were eight secret telephone documents available on the case file before the conclusion of the investigation: Case 003, **D1.3.14.2**, Secret Telegram to Beloved Comrade Brother Mut, 13 July 1977, sent by Moeun; Case 003, **D1.3.34.28**, Report by secret telephone from Sim to Beloved Brother (Division), on 15 September 1977, copied to Brother Mut; Case 003, **D1.3.34.64**, Confidential Telephone Communication to Respected Brother 89, 29 March 1978, sent by **Meas Mut**; Case 003, **D4.1.639**, Report dated August 12, 1977 “via secret telephone”, sent by **Mut**; Case 003, **D4.1.656**, Confidential Telephone Messages on 1.4.78, sent by **Mut**; Case 003, **D4.1.638**, Confidential telephone communication on March 20, 1978, sent by **Mut**; Case 003, **D1.3.30.25**, Secret Telephone, Report from Division 164, 1 April 1978, sent by **Mut**; Case 003, **D1.3.12.20**, Division 164’s Secret Telephone Message: Report dated 12 August 1977, sent by **Meas Mut**.

⁷³² Case 003, **D1.3.34.64**, Confidential Telephone Communication to Respected Brother 89, 29 March 1978, sent by **Mut**; Case 003, **D4.1.639**, Report dated August 12, 1977 “via secret telephone”, sent by **Mut**; Case 003, **D4.1.656**, Confidential Telephone Messages on 1.4.78, sent by **Mut**; Case 003, **D4.1.638**, Confidential telephone communication on March 20, 1978, sent by **Mut**; Case 003, **D1.3.30.25**, Secret Telephone, Report

from Division 164, 1 April 1978, sent by **Mut**; Case 003, **D1.3.12.20**, Division 164's Secret Telephone Message: Report dated 12 August 1977, sent by **Meas Mut**.

⁷³³ Case 003, **D4.1.504**, Written Record of Interview of Witness **Kev Kin**, 12 February 2009, p. 5; Case 003, **D4.1.739**, Presentation by the Comrade Party Secretary during the session of the first Meeting of the Council of Ministers, 22 April 1976.

⁷³⁴ Case 003, **D1.3.8.8**, DK Report entitled "Second General Staff Study Session, Revolutionary Outlook, Table of Splitting up into Groups by Unit of Organisation", 23 November 1976.

⁷³⁵ Case 003, **D4.1.1138**, Written Record of Interview of Witness **Suos Siyat**, *alias* Suos Reab, 17 January 2008, p. 5.

⁷³⁶ Case 003, **D4.1.1151**, Written Record of Interview of Witness **Prak Yoeun**, *alias* Y, 4 March 2008, p. 4.

⁷³⁷ Case 003, **D4.1.1151**, Written Record of Interview of Witness **Prak Yoeun**, *alias* Y, 4 March 2008, pp. 4-5.

⁷³⁸ Case 003, **D4.1.504**, Written Record of Interview of Witness **Kev Kin**, 12 February 2009, p. 5; Case 003, **D4.1.1151**, Written Record of Interview of Witness **Prak Yoeun**, *alias* Y, 4 March 2008, p. 4.

⁷³⁹ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 11.

⁷⁴⁰ Case 003, **D1.3.30.16**, Letter sent by Met entitled "Dear beloved Comrade Duch with respect", 1 June 1977.

⁷⁴¹ Case 003, **D4.1.556**, Written Record of Interview of Witness **KungKim**, *alias* Kae, 9 January 2009, pp. 4-5; Case 003, **D4.1.801**, Written Record of Interview of Witness [REDACTED], 31 October 2009, pp. 4-6.

⁷⁴² Case 003, **D1.3.22.1**, CPK Legal Document entitled "Communist Party of Kampuchea Statute", Article 4, p. 12-13; Case 003, **D1.3.22.2**, DK Legal Document entitled "The Constitution of Democratic Kampuchea", 5 January 1976, Article 10, p. 4.

⁷⁴³ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 8.

⁷⁴⁴ Case 003, **D4.1.861**, CPK Magazine entitled "Revolutionary Flag", Issue 08, August 1975, p. 26.

⁷⁴⁵ Case 003, **D4.1.736**, Chan's Report entitled "To respected Brother: I would like to report to you on S-21 prisoners who arrived on 11 August 1977", 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 3-4; Case 003, **D1.3.27.17**, Minutes of the Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976; Case 003, **D1.3.27.15**, Minutes of Meeting with the Organisation's Office, 703 and S-21, 9 September 1976, p. 2 (During the joint meeting with the Organisation's office, Division 703 and S-21 on 9 September 1976, Son Sen listened to the military units reporting on their situations and ordered them to "recognize their heavy duties and go all out in doing constant political and ideological education [...] as for security, I suggest that it increase its surveillance of enemy situations.); Case 003, **D1.3.30.6**, DK Report entitled "General Staff Study Session, Second Session: Table of Participant Statistics", 23 November 1976.

⁷⁴⁶ Case 003, **D4.1.1116**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 November 2007, p. 8.

⁷⁴⁷ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 13; Case 003, **D4.1.1105**, Duch's Clarification on ERN 00090284 through ERN 00090290, 19 March 2008, p. 1; Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, p. 18.

⁷⁴⁸ Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, "Decision of the Central Committee regarding a Number of Matters", 30 March 1976, p. 1.

- ⁷⁴⁹ Case 003, **D1.3.24.4**, CPK Magazine entitled “Revolutionary Flag”, Special Issue, December-January 1977-78, p. 2; Case 003, **D4.1.865**, CPK Magazine entitled “Revolutionary Flag”, Special Issue, October -November 1977, p. 1.
- ⁷⁵⁰ Case 003, **D4.1.337**, DK Report entitled “Roeun’s Report: Respectfully submitted to Uncle 89”, 29 March 1977, p. 3; Case 003, **D4.1.650**, DK Report entitled “To respected, beloved and missed Angkar”, 4 August 1978, p. 22 [ERN00143624].
- ⁷⁵¹ Case 003, **D4.1.786**, Written Record of Interview of Witness **Pech Chim**, 28 August 2009, pp. 2-3; Case 003, **D4.1.820** Written Record of Interview of Witness **Phan Chhen**, 9 December 2009, p. 5; Case 003, **D4.1.148**, DK Report entitled “Educational Office of District 105, Report, Respectfully reported to the Party of a Prisoner’s Statement”, 30 July 1977; Case 003, **D4.1.494** DK Report entitled “Report, Respectfully report to the Party of the statement of the prisoners”, 4 August 1976.
- ⁷⁵² Case 003, **D4.1.515**, Written Record of Interview of Witness **Yin Daut**, 25 April 2009, p. 4.
- ⁷⁵³ Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, pp. 1-3; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976, p. 2 [in Khmer]; Case 003, **D1.3.27.16**, Minutes of Divisional and Independent Regiment Secretary-under secretary’s Meeting, 16 September 1976; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976, p. 3; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, pp. 19-21.
- ⁷⁵⁴ Case 003, **D1.3.27.15**, Minutes of Meeting with the Organisation’s Office, 703 and S-21, 9 September 1976, p. 2.
- ⁷⁵⁵ Case 003, **D4.1.583**, Guidance of the Central Committee of the Communist Party of Kampuchea on the Party’s Policy toward Mised Persons who have joined the CIA, served as Yuon Agents or joined the KGB and opposed the Party, Revolution, People and Democratic Kampuchea, 20 June 1978, p. 1.
- ⁷⁵⁶ Case 003, **D4.1.583**, Guidance of the Central Committee of the Communist Party of Kampuchea on the Party’s Policy toward Mised Persons who have joined the CIA, served as Yuon Agents or joined the KGB and opposed the Party, Revolution, People and Democratic Kampuchea, 20 June 1978, pp. 1-2.
- ⁷⁵⁷ Case 003, **D4.1.444**, Written Record of Interview of Witness **Sao Sarun**, 17 December 2008, p. 6; Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, p. 3.
- ⁷⁵⁸ Case 003, **D1.3.24.5**, CPK Magazine entitled “Revolutionary Flag”, Special Issue, May-June 1978, pp. 7-8.
- ⁷⁵⁹ Case 003, **D4.1.869**, CPK Magazine “Revolutionary Flag”, Number 07, July 1978, p. 11.
- ⁷⁶⁰ Case 003, **D4.1.444**, Written Record of Interview of Witness **Sao Sarun**, 17 December 2008, p. 3; Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, pp. 2-3; Case 003, **D4.1.1122**, the submission of KAING Guek Eav’s response to the Co Investigating Judges’ written questions, 21 October 2008, p. 18.
- ⁷⁶¹ Case 003, **D4.1.793**, Written Record of Interview of Witness **Sao Sarun**, 20 October 2009, p. 3.
- ⁷⁶² Case 003, **D4.1.1122**, the submission of KAING Guek Eav’s response to the Co Investigating Judges’ written questions, 21 October 2008, p. 18.
- ⁷⁶³ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 6-7; Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, p. 4.
- ⁷⁶⁴ Case 003, **D4.1.370**, Written Record of Interview of Witness **Phach Siek**, *alias* San, 1 April 2008, p. 5.

⁷⁶⁵ Case 003, **D4.1.775**, Written Record of Interview of Witness **Pat Nan**, 10 March 2009, p. 5; Case 003, **D4.1.936**, Written Record of Interview of Witness **Kheang Kha On**, *alias* Khon, 23 July 2009, p. 5; Case 003, **D4.1.769**, Written Record of Interview of Witness **Lim Nhon**, 7 May 2009, p. 3; Case 003, **D4.1.778**, Written Record of Interview of Witness **Sau Hau**, 13 March 2009, p. 4; Case 003, **D4.1.940**, Written Record of Interview of Witness **Thioun Genevieve Maly**, 18 July 2009, pp. 4-5; Case 003, **D4.1.615**, Written Record of Interview of Witness **Phan Sovannhan**, 11 March 2009, p. 7; Case 003, **D4.1.1047**, Written Record of Interview of Witness **Chuon Sarith**, 11 March 2010, p. 7; Case 003, **D4.1.1154**, Written Record of Interview of Witness **Ek Hen**, *alias* Chea, 5 March 2008, p. 4.

⁷⁶⁶ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6.

⁷⁶⁷ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6; Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, pp. 4-5.

⁷⁶⁸ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, p. 5.

⁷⁶⁹ Case 003, **D4.1.855**, Written Record of Interview of Witness LONH Dos, 23 July 2009, pp. 3-4.

⁷⁷⁰ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 938, p. 235 (Classification: Public); Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 8; Case 003, **D4.1.920**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 December 2009, pp. 8-9; Case 003, **D4.1.1114**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 6 May 2008, p. 5.

⁷⁷¹ Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3; Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, p. 6; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 8.

⁷⁷² Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 9; Case 003, **D1.3.33.9**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 April 2008, p. 5.

⁷⁷³ Case 003, **D4.1.502**, Confession of **Seat Chhae**, *alias* Tum, Secretary of Sector 22, the East Zone, 15 September 1977.

⁷⁷⁴ Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, p. 9; Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person KAING Guek Eav *alias* Duch, 23 August 2007, pp. 8-9.

⁷⁷⁵ Case 003, **D1.3.33.11**, Written Record of Interview of Charged Person KAING Guek Eav *alias* Duch, 23 August 2007, pp. 8-9; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3; Case 003, **D4.1.520**, Written Record of Interview of Witness KE Pich Vannak *alias* Yuth, 4 June 2009, p. 9; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 7; Case 003, **D4.1.407**, Written Record of Interview of Witness **Khun Kim**, *alias* Nuon Paet, 30 April 2008, p. 7.

⁷⁷⁶ Case 003, **D1.3.27.17**, Minutes of the Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976.

⁷⁷⁷ Case 003, **D1.3.27.17**, Minutes of the Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976, pp. 1-2; Case 003, **D1.3.33.9**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 April 2008, p. 5; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing**

Guek-Eav, *alias* Duch, 25 November 2008, p. 7; Case 003, **D1.3.33.8**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 October 2007, p. 4; Case 003, **D4.1.950**, Revised S-21 Prisoner List; Case 003, **D1.3.32.49**, Written Record of Interview of Witness **Uk Bunseng**, *alias* Seng, 2 April 2008, p. 5; Case 003, **D4.1.534**, Written Record of Interview of Witness **Sok Thul**, 5 November 2009, p. 7.

⁷⁷⁸ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 6-7; Case 003, **D4.1.508**, Written Record of Interview of Witness **Chan Man**, *alias* Chuop Sokhon, *alias* Kuy *alias* Et, 4 March 2009, pp. 4-7; Case 003, **D4.1.513**, Written Record of Interview of Witness **Khin Vat**, 6 April 2009, pp. 3-5; Case 003, **D4.1.454**, Written Record of Interview of Witness **Koy Mon**, 29 May 2009, p. 5; Case 003, **D4.1.503**, Written Record of Interview of Witness **Loeung Kimchhong**, 11 February 2009, pp. 4-6; Case 003, **D4.1.507**, Written Record of Interview of Witness **Pel Kan**, 3 March 2009, pp. 3-4; Case 003, **D4.1.505**, Written Record of Interview of Witness **Sum Sokhan**, *alias* Sreang, 13 February 2009, p. 6; Case 003, **D4.1.826**, Written Record of Interview of Witness **Kaot Rin**, 15 December 2009, pp. 3-4; Case 003, **D4.1.823**, Written Record of Interview of Witness **Srun Chey**, 11 December 2009, p. 4; Case 003, **D4.1.822**, Written Record of Interview of Witness Som Chhom, 10 December 2009, pp. 3-4; Case 003, **D4.1.504**, Written Record of Interview of Witness **Kev Kin**, 12 February 2009, pp. 4-5; Case 003, **D4.1.509**, Written Record of Interview of Witness **Khoem Samhuon**, *alias* Tauch, *alias* Aun, 6 March 2009, p. 7; Case 003, **D4.1.553**, Written Record of Interview of Witness **Sreng Thi**, *alais* Thi, 6 January 2009, p. 4; Case 003, **D4.1.1145**, Written Record of Interview of Witness **Him Han**, *alias* Ream, 6 March 2008, p. 4; Case 003, **D4.1.506**, Written Record of Interview of Witness **Sin Sot**, *alias* Sot, 17 February 2009, pp. 3-4; Case 003, **D4.1.827** Written Record of Interview of Witness **Him Horn**, 18 December 2009, pp. 3-4; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, p. 4; Case 003, **D4.1.829**, Written Record of Interview of Witness **Um Men**, 23 December 2009, p. 3; Case 003, **D4.1.830**, Written Record of Interview of Witness **Khvae Ni**, 24 December 2009, p. 3; Case 003, **D4.1.1049**, Written Record of Interview of Witness **Hing Sundara**, 2 April 2010, pp. 2-3; Case 003, **D4.1.510**, Written Record of Interview of Witness **Sreng Thi**, 7 March 2009, pp. 3-4.

⁷⁷⁹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 16.

⁷⁸⁰ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, paras. 149, 199, 875, 925 and 937, pp. 40, 54, 217, 230-231 and 235 (Classification: Public).

⁷⁸¹ Case 003, **D4.1.868**, CPK Magazine entitled "Revolutionary Flag", Issue 04, April 1978, p. 4; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6; Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, p. 4; Case 003, **D4.1.848**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 26 November 2009, pp. 3-4; Case 003, **D4.1.465**, Written Record of Interview of Witness **Seng Yon**, 21 April 2008, p. 3; Case 003, **D4.1.858**, Written Record of Interview of Witness **Sokh Chhien**, 19 August 2009, pp. 4-5; Case 003, **D4.1.849**, Written Record of Interview of Witness **Khum Kim**, *alias* Nuon Pet, 30 November 2009, p. 3.

⁷⁸² Case 003, **D4.1.449**, Written Record of Interview of Witness **Chhem Hoeung**, 31 May 2009, pp. 3-4; Case 003, **D1.3.30.27**, DK Report entitled "Report, Beloved Brother 009", from Unit 05, Division 260, 15 April 1978 (reporting on the situation in the East Zone); Case 003, **D1.3.32.21**, Written Record of Interview of Witness **Kork Sras**, *alias* Sras, 3 January 2008, pp. 4-5.

- ⁷⁸³ Case 003, **D4.1.449**, Written Record of Interview of Witness **Chhem Hoeung**, 31 May 2009, p. 4; Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 7.
- ⁷⁸⁴ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 16.
- ⁷⁸⁵ Case 003, **D6**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 24 March 2011, p. 3.
- ⁷⁸⁶ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 6-7; Case 003, **D4.1.409**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 29 July 2008, p. 3.
- ⁷⁸⁷ Case 003, **D6**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 24 March 2011, p. 4.
- ⁷⁸⁸ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 7.
- ⁷⁸⁹ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, p. 6.
- ⁷⁹⁰ Case 003, **D4.1.408**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 21 May 2008, pp. 6, 8.
- ⁷⁹¹ Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, “Decision of the Central Committee regarding a Number of Matters”, 30 March 1976, p. 1.
- ⁷⁹² Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, “Decision of the Central Committee regarding a Number of Matters”, 30 March 1976, p. 1.
- ⁷⁹³ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5; Case 003, **D4.1.88**, Minutes of Meeting of the CPK Standing Committee, 9 January 1976; Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, “Decision of the Central Committee regarding a Number of Matters”, 30 March 1976, p. 1.
- ⁷⁹⁴ Case 003, **D1.3.33.3**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 7 August 2007, pp. 7-8; Case 003, **D4.1.400**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 November 2008, p. 9; Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 5.
- ⁷⁹⁵ Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976, p. 10.
- ⁷⁹⁶ Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, p. 5; Case 003, **D1.3.8.8**, DK Report entitled “Second General Staff Study Session, Revolutionary Outlook, Table of Splitting up into Groups by Unit of Organisation”, 23 November 1976.
- ⁷⁹⁷ Case 003, **D1.3.27.8**, Minutes of the Meeting of Secretaries and Economics of Divisions, 16 May 1976; Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 3-4; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, pp. 17-21; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976, pp. 1-2; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, pp. 12-15 [in Khmer]; Case 003, **D1.3.27.23**, Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 December 1976, pp. 9-10; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, pp. 3, 5-7; Case 003, **D4.1.908**, Minutes of the Meeting by Comrade Tal, Division 290 and Division 170, on 16 September 1976.

⁷⁹⁸ Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, p. 3; Case 003, **D1.3.27.17**, Minutes of the Meeting with Comrade Tal, Division 920 and Division 170, 16 September 1976, p. 2; Case 003, **D1.3.27.15**, Minutes of Meeting with the Organisation's Office, 703 and S-21, 9 September 1976, p. 2.

⁷⁹⁹ Case 003, **D1.3.27.10**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Brigades, Secretaries and Deputy Secretaries of Regiments, 2 August 1976, pp. 8-9; Case 003, **D1.3.27.11**, Minutes of the Meeting of the Committees Attached to Divisions and Independent Regiments, 12 August 1976, p. 1; Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 3-4; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976, p. 3; Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976, pp. 10-12; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, pp. 17-21; Case 003, **D1.3.27.21**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 11 November 1976, pp. 1-2.

⁸⁰⁰ Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, pp. 3-4.

⁸⁰¹ Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976, p. 3.

⁸⁰² Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 7.

⁸⁰³ Case 003, **D1.3.4.2**, Telegram from Brother 89 "Dear beloved and missed Comrade Dim", 26 November 1976.

⁸⁰⁴ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976.

⁸⁰⁵ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976.

⁸⁰⁶ Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976.

⁸⁰⁷ Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 146, p. 39 (Classification: Public).

⁸⁰⁸ Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, "Decision of the Central Committee regarding a Number of Matters", 30 March 1976, p. 1.

⁸⁰⁹ Case 003, **D10.1.64**, the Final Written Submission of Accused **Kaing Guek Eav**, aka Duch, 25 November 2009, p. 20.

⁸¹⁰ Case 003, **D4.1.622**, Written Record of Interview of Witness **Sao Sarun**, 29 June 2009, p. 4; Case 003, **D1.3.30.9**, RAK Report entitled "Joint Statistics of Armed Forces-March 1977" 7 April 1977.

⁸¹¹ Case 003, **D1.3.4.2**, Telegram from Brother 89 "Dear beloved and missed Comrade Dim", 26 November 1976.

⁸¹² ⁸¹² Case 003, **D1.3.33.16**, Interview with **Meas Muth**, by Christine Chaumeau and Bou Saroeun, 20 July 2011, p. 2.

⁸¹³ Case 003, **D1.3.34.60**, Telegram No. 00, Band 354, from Mut to Committee M-870, 31 December 1977.

⁸¹⁴ Case 003, **D1.3.34.60**, Telegram No. 00, Band 354, from Mut to Committee M-870, 31 December 1977.

⁸¹⁵ Case 003, **D1.3.8.4**, Minutes of Meeting of "164" Comrades, 9 September 1976, pp. 2-3 [in Khmer] (In the meeting of "164" comrades on 9 September 1976, it is reported that "Internal situations: On 25 August, forces coming from Chroy Changvar at Steung Hav had a meeting at which they laid down a desertion plan. The leader was named Vung Sruol, a platoon cadre. Those involved included 40 persons...The Division Committee split off the no-goods and had them live separately so that they would not be chaotically with the goods", and that

Brother 89, Son Sen, ordered that “Vung Sruol be arrested and interrogated”; Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976 (after hearing reports by divisions and independent regiments, Son Sen was the only person who gave orders to educate, pay attention to and unwaveringly purge the party of all no-good elements and take action against the enemy. Son Sen also introduced measures against perceived no-good elements “(...) Concentrate the no-good elements in one location and educate them separately with solid cadre who are responsible for administering them and in no case allow them to go to the grassroots); Case 003, **D1.3.27.15**, Minute of Meeting with the Organization’s Office 703 and S-21, 9 September 1976, p. 2 (at the meeting with the organization’s office 703 and S-21 on 9 September 1976, Son Sen grasped the situations reported by those military units; moreover, he ordered them “to recognize their heavy duties and go all out in doing constant political and ideological education. They must firmly grasp biographies and ideologies (...). As for Security, I suggest that it increase its surveillance of enemy situations.”); Case 003, **D1.3.4.2**, Telegram from Brother 89 “Dear beloved and missed Comrade Dim”, 26 November 1976 (Division 164 received order from Khiev, i.e Son Sen, on military affairs such as “reserve enough water and rice to be used for in one-month time. [We] must also be [our] own masters in terms of weapons, ammunitions, and medicines. Also get ready with everything to fight by specifying main battles. Tang Polowai, Pring Islands. Be constantly on guard and strictly uphold the spirit of vigilance...”); Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976 (For those in the west who had been arrested in Koh Wei, must keep this secret. And must prepare and ready to attack in case that their troops chase. For the East, must have a good grasp and examination to see what is the cause of their fighting in Koh Tral; “Please grasp the situation more”); Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, pp. 3, 5-7.

⁸¹⁶ Case 003, **D1.3.27.12**, Minutes of the Meeting of Division and Independent Regiment Secretary (s) and Deputy Secretary (s), 18 August 1976, p. 1; Case 003, **D1.3.27.22**, Minutes of the Plenary Meeting of Divisions, 21 November 1976, p. 9 [in Khmer]; Case 003, **D1.3.8.2**, Minutes of the Meeting of All Division Committees, 1 June 1976, pp. 3-6.

⁸¹⁷ Case 003, **D1.3.12.3**, Mut’s Report to Brother 89, 22 February 1976.

⁸¹⁸ Case 003, **D1.3.12.3**, Mut’s Report to Brother 89, 22 February 1976.

⁸¹⁹ Case 003, **D4.1.635**, Mut’s Confidential Telephone Messages on 1 April 1978; Case 003, **D1.3.12.20**, Mut’s Secret Telephone Message: Report dated 12 August 1977; Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976; Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977; Case 003, **D1.3.30.4**, Summary of the Situation from 15 July until 31 August 1976.

⁸²⁰ Case 003, **D1.3.30.2**, Mut’s Report: “My Brother 89 be informed”, 5 January 1976; Case 003, **D1.3.12.2**, Mut’s Report: “Dear Brother 89 with respect”, 6 February in an unspecified year; Case 003, **D1.3.34.64**, Mut’s Confidential Telephone Communication to Respected Brother 89, 29 March 1978.

⁸²¹ Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 1.

⁸²² Case 003, **D1.3.8.3**, Minutes of meeting of the military work in Kampong Som, 3 August 1976, pp. 1-2.

⁸²³ Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 1.

⁸²⁴ Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 7.

⁸²⁵ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 5.

⁸²⁶ Case 003, **D1.3.27.13**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 30 August 1976, p. 1; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 7; Case 003, **D1.3.27.20**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 9 October 1976, p. 19.

⁸²⁷ Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 5; Case 003, **D1.3.27.26**, Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments, 1 March 1977, p. 7.

⁸²⁸ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁸²⁹ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 81, p. 28; Case 003, **D4.1.783**, Written Record of Interview of Witness **Pech Chim**, 25 August 2009, p. 4; Case 003, **D1.3.7.9**, DC-Cam Document: Searching for the Truth Magazine article entitled "I Only Want Justice", by Kalyan Sann, No. 08, 8 August 2000, p. 4.

⁸³⁰ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 81, 9. 28; Case 003, **D1.3.32.28**, DC-Cam Statement of **Meas Channa**, 21 June 2004, pp. 34-35; Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 3.

⁸³¹ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 81, 9. 28; Case 003, **D4.1.913**, Report of the Execution of Rogatory Letter, 5 November 2007, p. 2; Case 003, **D4.1.851**, Written Record of Interview of Witness **Meas Voeun**, *alias* Svay Voeun, 16 December 2009, p. 4; Case 003, **D4.1.403**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 November 2008, p. 11; Case 003, **D4.1.810**, Written Record of Interview of Witness **Seng Soeun**, 11 November 2009, p. 4; Case 003, **D1.3.7.9**, DC-Cam Document: Searching for the Truth Magazine article entitled "I Only Want Justice", by Kalyan Sann, No. 08, 8 August 2000, p. 4; Case 003, **D4.1.4**, Timothy CARNEY's Analytical Report entitled "the Organization of People" published in a book edited by Karl Jackson, entitled: "Cambodia 1975-1978: Rendezvous with Death", p.12; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 33.

⁸³² Case 003, **D4.1.783**, Written Record of Interview of Witness **Pech Chim**, 25 August 2009, p. 4; Case 003, **D1.3.32.28**, DC-Cam Statement of **Meas Channa**, 21 June 2004, p. 35; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, pp. 32-33.

⁸³³ Case 003, **D4.1.783**, Written Record of Interview of Witness **Pech Chim**, 25 August 2009, p. 4; Case 003, **D4.1.911**, Written Record of Interview of Witness **Iep Duch**, 30 October 2007, p. 3; Case 003, **D4.1.913**, Report of the Execution of Rogatory Letter, 5 November 2007, p. 5; Case 003, **D1.3.7.9**, DC-Cam Document: Searching for the Truth Magazine article entitled "I Only Want Justice", by Kalyan Sann, No. 08, 8 August 2000, p. 4; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 33.

- ⁸³⁴ Case 003, **D4.1.783**, Written Record of Interview of Witness **Pech Chim**, 25 August 2009, p. 4.
- ⁸³⁵ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 81, p. 28; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, pp. 32, 58.
- ⁸³⁶ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 81, p. 28; Case 003, **D1.3.7.9**, DC-Cam Document: Searching for the Truth Magazine article entitled "I Only Want Justice", by Kalyan Sann, No. 08, 8 August 2000, p. 4; Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 32; Case 003, **D4.1.746**, Report entitled "Debriefing of Som Sok, Former Member of the Khmer Communist 3rd Division", 19 December 2002, p. 3.
- ⁸³⁷ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 43, p. 14.
- ⁸³⁸ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 119, p. 45 (Classification: Public).
- ⁸³⁹ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 135, p. 49 (Classification: Public).
- ⁸⁴⁰ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 119, p. 45 (Classification: Public).
- ⁸⁴¹ Case 003, **D10.1.117**, Written Record of Confrontation with Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 February 2008, p. 6.
- ⁸⁴² Case 003, **D1.3.33.9**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 April 2008, p. 3; Case 003, **D4.1.1116**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 November 2007, p. 7; Case 003, **D4.1.405**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 November 2008, p. 5.
- ⁸⁴³ Case 003, **D4.1.1105**, Duch's Clarification on ERN 00090284 through ERN 00090290, 19 March 2008, p. 1.
- ⁸⁴⁴ Case 003, **D10.1.117**, Written Record of Confrontation with Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 February 2008, p. 6.
- ⁸⁴⁵ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 206, p. 73 (Classification: Public).
- ⁸⁴⁶ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 174, p. 63 (Classification: Public).
- ⁸⁴⁷ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 211, p. 75 (Classification: Public).
- ⁸⁴⁸ Case 003, **D1.3.19.1**, Instruction of CPK Central Committee, "Decision of the Central Committee regarding a Number of Matters", 30 March 1976, p. 1.
- ⁸⁴⁹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 5.
- ⁸⁵⁰ Case 001, **E1/19.1**, Transcripts of Trial Proceedings – **Kaing Guek-Eav**, *alias* "Duch", 30 April 2009, p. 19 (Classification: Public).
- ⁸⁵¹ Case 003, **D1.3.33.10**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 June 2008, p. 4.
- ⁸⁵² Case 003, **D4.1.1110**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 31 March 2008, p. 5.
- ⁸⁵³ Case 003, **D4.1.1107**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 February 2008, p. 7.
- ⁸⁵⁴ Case 003, **D4.1.1107**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 19 February 2008, p. 7.

⁸⁵⁵ Case 003, **D4.1.928**, Written Record of Interview of Witness **Yen Kuch**, *alias* Ron, 2 September 2009, p. 4; Case 003, **D4.1.371**, Written Record of Interview of Witness **Saom Sam Ol**, *alias* Phaon Sam, 1 April 2008, p. 3; Case 003, **D4.1.1131**, Written Record of Interview of Witness **Long Norin**, *alias* Rith, 4 December 2007, p. 5; Case 003, **D1.3.32.9**, Written Record of Interview of Witness **Chhun Phal**, 15 January 2008, p. 2; Case 003, **D1.3.32.21**, Written Record of Interview of Witness **Kork Sras**, *alias* Sras, 3 April 2008, pp. 4-5.

⁸⁵⁶ Case 003, **D4.1.1116**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 22 November 2007, p. 6; Case 003, **D1.3.32.17**, Written Record of Interview of Witness **Him Huy**, *alias* You Huy, 18 September 2007, pp. 6-7.

⁸⁵⁷ Case 003, **D10.1.117**, Written Record of Confrontation with Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 February 2008, p. 6; Case 003, **D4.1.402**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 November 2008, p. 5.

⁸⁵⁸ Case 003, **D4.1.1118**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 June 2008, pp. 7-8; Case 003, **D4.1.404**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 November 2008, p. 5.

⁸⁵⁹ Case 003, **D4.1.444**, Written Record of Interview of Witness **Sao Sarun**, 17 December 2008, p. 5; Case 003, **D4.1.1118**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 June 2008, pp. 3-4.

⁸⁶⁰ Case 003, **D4.1.1055**, Written Record of Interview of Witness **Phan Van**, *alias* Kham Phan, 28 February 2010, p. 4; Case 003, **D4.1.920**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 December 2009, pp. 10-11; Case 003, **D4.1.1119**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 25 June 2008, p. 5.

⁸⁶¹ Case 003, **D4.1.1118**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 June 2008, pp. 8-9.

⁸⁶² Case 003, **D4.1.441**, Written Record of Interview of Witness **Kham Phan**, *alias* Phan Van, 21 November 2008, p. 4; Case 003, **D4.1.444**, Written Record of Interview of Witness **Sao Sarun**, 17 December 2008, p. 5; Case 003, **D4.1.407**, Written Record of Interview of Witness **Khun Kim**, *alias* Nuon Paet, 30 April 2008, pp. 5-6; Case 003, **D4.1.849**, Written Record of Interview of Witness **Khun Kim**, *alias* Nuon Pet, 30 November 2009, p. 4.

⁸⁶³ Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3.

⁸⁶⁴ Case 003, **D4.1.362**, Written Record of Interview of Witness **Him Huy**, *alias* Huy, 14 March 2008, p. 2; Case 003, **D4.1.371**, Written Record of Interview of Witness **Saom Sam Ol**, *alias* Phaon Sam, 1 April 2008, p. 3.

⁸⁶⁵ Case 003, **D1.3.33.9**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 2 April 2008, pp. 3-4; Case 003, **D4.1.1109**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 March 2008, p. 4; Case 003, **D4.1.1114**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 6 May 2008, p. 9.

⁸⁶⁶ Case 003, **D1.3.33.12**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 5 May 2008, pp. 2-3.

⁸⁶⁷ Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, p. 4 (Duch took an example of the confession by Kung Kieng, *alias* Ing Vet, former secretary of Battalion 631 of Division 164. Duch forwarded the confession to Son Sen on 21 May 1977,

annotating: “ To the attention of brother Nuon personally, secret: (1) This document is very clear; (2) The majority of the persons implicated are in the unit of comrade Mut, another party is in 33 and 35,” then, Nuon Chea annotated: “already noted for the attention of Comrade Mok.” According to these documents, Duch concluded that Son Sen requested the advice of NUON Chea prior to making his decision to make arrests).

⁸⁶⁸ Case 003, **D1.3.12.7**, DK Report entitled “A summary of situations from July 15 to August 31, 1976”, p.1; Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976.

⁸⁶⁹ Case 003, **D1.3.13.11**, OCP Interview of Sieng, 12 August 2008, p. 2.

⁸⁷⁰ Case 003, **D1.3.3.2**, List of Prisoners Executed from 1 October to 15 October 1976.

⁸⁷¹ Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2.

⁸⁷² Case 003, **D4.1.244**, Written Record of Interview of Witness **Him Huy**, *alias* You Huy, 19 September 2007, pp. 3-4.

⁸⁷³ Case 001, **E1/19.1**, Transcripts of Trial Proceedings – **Kaing Guek-Eav**, *alias* “Duch”, 30 April 2009, p. 19 (Classification: Public).

⁸⁷⁴ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 25 April 2011, p. 5.

⁸⁷⁵ Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976, p. 2; Case 003, **D1.3.18.3**, S-21 Confession of Kun Dim, 20 July 1977, p. 1 [in Khmer] (decision to arrest made by Son Sen and Nuon Chea: on the cover page of S-21 Confession of Khun Dim, a battalion commander in Division 164, Son Sen made the annotation on that confession and sent to Brother Nuon. He wrote that “1) to extract [the confession] to send to Brother 203 for reviewing and setting any measure; 2) contact comrade Mut for measure(s). Basically, at our side, we have already taken all [identified elements].”); Case 003, **D1.3.1.7**, S-21 Confession of **Pen Ham**, Battalion 170 Secretary, Division 164, 24 May 1977, with annotation: This document is involved: the Southwest [Zone], Comrade Bit’s Division, Comrade Mut’s Division, the West ... At Comrade Mut’s unit, there are also some significant names. We are trying our best to deal with them.

⁸⁷⁶ Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976, p. 2.

⁸⁷⁷ Case 003, **D1.3.12.18**, Mut’s Telegram 09 to “Brother 89 with respect”, 29 May 1977: On 29 May 1977, **Meas Mut** reported to Son Sen and Office 870 on Thai and Vietnamese boats entering Cambodia’s maritime territory, stating that Division 164 had scared them off so that they could not come in too far and requesting orders. Son Sen decided to send Comrade Mut to view the situation and take measures if the Vietnamese refused to retreat, and requested approval from Comrades Mok and Tith.

⁸⁷⁸ Case 003, **D4.1.764**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 20 October 2009, November 2008, p. 4.

⁸⁷⁹ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 5.

⁸⁸⁰ Case 003, **D12**, Written Record of Interview of Witness **Kaing Guek-Eav**, *alias* Duch, 27 April 2011, p. 5.

⁸⁸¹ Case 003, **D1.3.34.11**, Telegram No. 11 from Comrade Dim to Brother Mut on the Enemy Situation along the border, 24 September 1976.

⁸⁸² Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976, p. 2 [in Khmer].

⁸⁸³ Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976, p. 2 [in Khmer].

⁸⁸⁴ Case 003, **D10.1.117**, Written Record of Confrontation with Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 February 2008, p. 7; Case 003, **D4.1.1106**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 18 February 2008, p. 3.

⁸⁸⁵ Case 003, **D9.3**, OCIJ, S-21 Prisoners from Division 164: A Review, 25 April 2011.

⁸⁸⁶ Case 003, **D1.3.5.14**, S-21 Statistics of People from Division 164 who are implicated in enemies' confession, 14 April 1977; Case 003, **D1.3.28.45**, S-21 List of Documented Prisoners from Unit 164, 26 August 1977; Case 003, **D1.3.28.27**, S-21 List of Prisoners from Division 164, 20 April 1977; Case 003, **D1.3.5.5**, List of Division 164 Cadres Implicated in S-21 Confession of Soeung Krin, *alias* Nguon; Case 003, **D1.3.28.2**, List of Prisoners from Military, 2 June 1977; Case 003, **D1.3.28.48**, List of Reported Prisoners from Division 164, 21 September 1977; Case 003, **D1.3.28.49**, List of Prisoners Interrogated in 1975, 1976 and 1977; Case 003, **D1.3.28.10**, List of Prisoners from General Staff; Case 003, **D1.3.3.2**, List of Prisoners Executed from 1 October to 15 October 1976; Case 003, **D1.3.28.147**, S-21 Execution Logs 1976-1978 prepared by DC-Cam; Case 003, **D1.3.28.15**, List of Prisoners' Diseases, 13 December 1976; Case 003, **D1.3.28.40**, List of Prisoners Smashed in 1977; Case 003, **D1.3.28.121**, S-21 List of Prisoners interrogated in 1978.

⁸⁸⁷ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, paras. 55-57, pp. 18-19.

⁸⁸⁸ Case 003, **D2/22**, Site Identification Report, 29 December 2010, p. 4.

⁸⁸⁹ Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2; Case 003, **D2/4** Written Record of Interview of Witness **Pauch Koy**, 28 July 2010, p. 3.

⁸⁹⁰ Case 003, **D2/22**, Site Identification Report, 29 December 2010, p. 4.

⁸⁹¹ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁸⁹² Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2; Case 003, **D2/4** Written Record of Interview of Witness **Pauch Koy**, 28 July 2010, p. 6-7.

⁸⁹³ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 6.

⁸⁹⁴ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁸⁹⁵ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 8.

⁸⁹⁶ Case 003, **D2/22**, Site Identification Report, 29 December 2010, p. 6.

⁸⁹⁷ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁸⁹⁸ Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2; Case 003, **D1.3.13.8**, OCP Interview of **Pen Sarin**, 13 August 2008, p. 4; Case 003, **D1.3.13.13**, **Touch Soeuli**, *alias* Soeu Touch, 16 August 2008, p. 8.

⁸⁹⁹ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁹⁰⁰ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.

⁹⁰¹ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 6.

⁹⁰² Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.

⁹⁰³ Case 003, **D1.3.13.12**, OCP Interview of **Sok Lang**, 12 August 2008, p. 2.

- ⁹⁰⁴ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.
- ⁹⁰⁵ Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2.
- ⁹⁰⁶ Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2.
- ⁹⁰⁷ Case 003, **D1.3.13.1**, OCP Interview of **Boch Koy**, 11-12 August 2008, p. 2; Case 003, **D2/4**, Written Record of Interview of Witness **Pauch Koy**, 28 July 2010, p. 7-8.
- ⁹⁰⁸ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.
- ⁹⁰⁹ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 7.
- ⁹¹⁰ Case 003, **D4.1.745**, Report entitled “History of Khmer Communist 3rd Division”, 8 December 1998, p. 2.
- ⁹¹¹ Case 003, **D2/22**, Site Identification Report, 29 December 2010, p. 4.
- ⁹¹² Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 6.
- ⁹¹³ Case 003, **D2/15**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 10 November 2010, p. 8.
- ⁹¹⁴ Case 003, **D1**, Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 58, 9. 19.
- ⁹¹⁵ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 4.
- ⁹¹⁶ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 4.
- ⁹¹⁷ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 4.
- ⁹¹⁸ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 4.
- ⁹¹⁹ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 5.
- ⁹²⁰ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 5; Case 003, **D4.1.745**, Report entitled “History of Khmer Communist 3rd Division”, 8 December 1998, p. 2.
- ⁹²¹ Case 003, **D4.1.745**, Report entitled “History of Khmer Communist 3rd Division”, 8 December 1998, p. 2.
- ⁹²² Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 5-6; Case 003, **D2/7**, Written Record of Interview of Witness **Pen Sarin**, 26 August 2010, p. 5.
- ⁹²³ Case 003, **D2/7**, Written Record of Interview of Witness **Pen Sarin**, 26 August 2010, p. 5.
- ⁹²⁴ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 6.
- ⁹²⁵ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 6; Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.
- ⁹²⁶ Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.
- ⁹²⁷ Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 6; Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.
- ⁹²⁸ Case 003, **D2/7**, Written Record of Interview of Witness **Pen Sarin**, 26 August 2010, p. 5.
- ⁹²⁹ Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.
- ⁹³⁰ Case 003, **D2/7**, Written Record of Interview of Witness **Pen Sarin**, 26 August 2010, p. 5.
- ⁹³¹ Case 003, **D1.3.30.29**, Interviews with Kampuchean Refugees at Thai-Cambodia Border by Masato Matsushita and Stephen Heder, February-March 1980, p. 12; Case 003, **D2/10**, Written Record of Interview of Witness **Say Born**, 9 September 2010, p. 8; Case 003, **D1.3.8.5**, Minute of the Discussion (meeting) with

Chinese Team of Artillery Experts, 24 September 1976; Case 003, **D1.3.14.2**, Secret Telegram from Moeun to Beloved Comrade Brother Mut, 13 July 1977, p. 2; Case 003, **D1.3.27.1**, Minutes of the Meeting of the CPK Standing Committee, 9 October 1975, pp. 7-8; Case 003, **D1.3.13.13**, Written Record of Interview of Witness **Touch Soeuli**, *alias* Soeu Touch, 16 August 2008, p. 2.

⁹³² Case 003, **D2/23**, Site Identification Report, 30 December 2010, p. 7.

⁹³³ Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4.

⁹³⁴ Case 003, **D1.3.13.11**, OCP Interview of **Sieng**, 12 August 2008, p. 4; Case 003, **D2/7**, Written Record of Interview of Witness **Pen Sarin**, 26 August 2010, p. 5.

⁹³⁵ Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976, p. 2 [in Khmer].

⁹³⁶ Case 003, **D1.3.8.4**, Minutes of Meeting of 164 Comrades, 9 September 1976, p. 2 [in Khmer].

⁹³⁷ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 59, p. 19.

⁹³⁸ Case 003, **D1.3.28.5**, List of Prisoners from Ministry of Foreign Affairs, Ministry of Social Affairs, State Textile Confection and State Agriculture, pp. 2-3.

⁹³⁹ Case 003, **D2/9**, Written Record of Interview of Witness **Say Born**, 7 September 2010, p. 10.

⁹⁴⁰ Case 003, **D1.3.34.28**, Report by secret telephone from Sim of Division 164's Political Section to Beloved Brother (Division), on 15 September 1977.

⁹⁴¹ Case 003, **D4.1.751**, Report entitled "Additional Details on Khmer Communist 3rd Division Organisation", 21 March 2005, p. 3; Case 003, **D1.3.17.1**, **Elizabeth Becker**, "When the War Was Over", p. 236.

⁹⁴² Case 003, **D22.1.14**, Report on Capture of American Personnel, 26 April 1978, p. 1.

⁹⁴³ Case 003, **D6**, Written Record of Interview of Witness **Chhouk Rin**, *alias* Sokh, 24 March 2011, p. 3.

⁹⁴⁴ Case 003, **D4.1.759**, Report entitled "Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island", 16 June 2000, p. 5.

⁹⁴⁵ Case 003, **D4.1.759**, Report entitled "Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island", 16 June 2000, p. 5.

⁹⁴⁶ Case 003, **D4.1.759**, Report entitled "Organisation and History of the Khmer Communist 3rd Division, Burial of Remains on Tang Island", 16 June 2000, p. 5.

⁹⁴⁷ Case 003, **D11/2**, Victim Information Form of Civil Party Applicant **Rob Hamil**, 7 March 2011, p. 10; Case 003, **D11/2/1**, VSS Report on Civil Party Application of **Rob Hamil**, 22 April 2011, p. 2.

⁹⁴⁸ Case 003, **D1.3.34.64**, Mut's Confidential Telephone Communication to Respected Brother 89, 29 March 1978.

⁹⁴⁹ Case 003, **D1.3.30.25**, Mut's Confidential Telephone Communication, Division 164's Report, 1 April 1978.

⁹⁵⁰ Case 003, **D1.3.13.13** Written Record of Interview of Witness Touch Souley *alias* Sou Touch 16 August 2008 p 7.

⁹⁵¹ **D1.3.13.13**, Written Record of Interview of Witness Touch Souley *alias* Sou Touch 16 August 2008 p 7.

⁹⁵² Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977: On 29 May 1977, **Meas Mut** reported to Son Sen and Office 870 on Thai and Vietnamese boats entering Cambodia's maritime territory, stating that Division 164 had scared them off so that they could not come in too far and requesting orders. Son Sen decided to send Comrade Mut to view the situation and take measures if the Vietnamese refused to retreat, and requested approval from Comrades Mok and Tith.

- ⁹⁵³ Case 003, **D4.1.849**, Written Record of Interview of Witness Khun Kim *alias* Nuon Paet 30 November 2009 pp 5-6.
- ⁹⁵⁴ Case 003, **D2/9**, Written Record of Interview of Witness SÂY Born, 07 September 2010, p 9; Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born, 09 September 2010 pp 7-8.
- ⁹⁵⁵ Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born 09 September 2010, pp 2-3.
- ⁹⁵⁶ Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born 09 September 2010, pp 3-4.
- ⁹⁵⁷ Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born 09 September 2010, pp 3-4.
- ⁹⁵⁸ Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born 09 September 2010, pp 6-7.
- ⁹⁵⁹ Case 003, **D4.1.1105** Note of Duch on Document concerning Clarification on ERN 00090284 through ERN 00090290, 19 March 2008, p. 1.
- ⁹⁶⁰ Case 003, **D4.1.244**, Written Record of Interview of Witness Him Huy *alias* You Huy, 19 September 2007, pp 3-5.
- ⁹⁶¹ Case 003, **D1.3.7.8**, The Cambodia Daily, “Let Bygones Be Bygones”, Erika Kinetz and Yun Samean, Issue Number 520, March 1-2, 2008, p. 2.
- ⁹⁶² Case 003, **D2/10**, Written Record of Interview of Witness SÂY Born 09 September 2010, pp 9-11.
- ⁹⁶³ Case 003, **D2/9**, Written Record of Interview of Witness SÂY Born, 07 September 2010, p 9.
- ⁹⁶⁴ Case 003, **D4.1.1127**, Written Record of Interview of Witness **Loth Nitya**, *alias* Saloth Ban, *alias* So Hong, 12 December 2007, p. 2; Case 003, **D1.3.22.1**, CPK Legal Document entitled “Communist Party of Kampuchea Statute”, p.3; Case 003, **D1.3.24.2**, CPK Magazine entitled “Revolutionary Flag”, Issue 7, July 1976, p. 23.
- ⁹⁶⁵ Case 003, **D1.3.14.1**, Mut’s Telegram: “Dear respected Brother 89”, 11 June 1976, p. 2.
- ⁹⁶⁶ Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976.
- ⁹⁶⁷ Case 003, **D1.3.34.28**, Report by secret telephone from Sim of Division 164’s Political Section to Beloved Brother (Division), on 15 September 1977; Case 003, **D2/9**, Written Record of Interview of Witness SÂY Born, 07 September 2010, p 9; Case 003, **D1.3.12.20** Report dated August 12, 1977 “via secret telephone”.
- ⁹⁶⁸ Case 003, **D1.3.12.7**, DK Report entitled “A summary of situation from July 15 to August 31, 1976” (Activities of Traitor(s) coming to liberate prisoners and confronting the Thai fishing boat(s) which consisted of ship equipped with defense weaponry, the capture of two Thai motor-driven boat with three weapons and 18 people, gunfire at Koh Ya with a Thai boat leading to the arrest of 9 people and another boat; Case 003, **D1.3.34.64**, Mut’s Confidential Telephone Communication to Respected Brother 89, 29 March 1978 (**Meas Mut** reported to Son Sen on firing at a Vietnamese boat on Koh Khyang island, capturing a Thai boat with 21 people on Koh Wei Chas island and two Vietnamese motor-driven boats with 76 civilians on Koh Tang island and sending them to the main land.); Case 003, **D1.3.30.25** confidential Telephone Messages on 1.4.78, Report (Mut submitted to Pol Pot, Nuon Chea, and Ieng Sary the synthesis report of Division 164 from 27 March 1978 to 30 March 1978, stating that 120 Vietnamese were arrested and killed, and five boats with one weapon were seized. Mut also reported the exchange of Thai fishermen.) Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 “[T]o beloved and missed Comrade Mut”, 4 November 1976, stating: “For our standpoint, we must absolutely destroy them at any time when they entered our maritime or land territories. For example, in Koh Krasar, we must have some forces to examine so as to take any measures to destroy them if they had really deployed troops there.”); Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976.
- ⁹⁶⁹ Case 003, **D1.3.34.10**, Mut’s Telegram No.44: “Dear respected Brother 89”, 13 August 1976: Via Telegram No.44, Mut reported to Son Sen (about Thai warships behind Thai fishing motorboats, armed clashes with Thai

fishing boats and capturing one person, and requested Angkar's advise to confiscate weapons from a boat captured from the Mekong); Case 003, **D1.3.27.18**, Minutes of Meeting of Secretaries and Logistics [Chiefs] of Divisions and Regiments, 19 September 1976 (Son Sen introduced measures to purge anti-revolutionary elements and to defend the sea firmly); Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977; Case 003, **D1.3.12.20** Report dated August 12, 1977 "via secret telephone"; Case 003, **D1.3.2.2**, Telegram 10 from Brother 89 "[T]o beloved and missed Comrade Mut", 4 November 1976.

⁹⁷⁰ Case 003, **D1.3.34.23** Telegram 28 of Soeung on 12 August 1977 (Sun Sen made written annotation reporting further to Angkar). Case 003, **D1.3.12.20** Report dated August 12, 1977 "via secret telephone".

⁹⁷¹ Case 003, **D1.3.12.18**, Mut's Telegram 09 to "Brother 89 with respect", 29 May 1977.

⁹⁷² **Case 003, D1.3.34.60** Telegram Number 00, Band 354 of Mut respectfully presented to Committee Mo-87, 31 December 1977.

⁹⁷³ Case 003, **D1**, Co-Prosecutors' Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 62, p. 20.

⁹⁷⁴ Case 003, **D4.1.616**, Written Record of Interview of Witness **Sa Siek**, 24 March 2009, p. 11; **Case 003, D4.1.833**, Written Record of Interview of Witness **Chan Youran**, 27 November 2009, pp. 4-5.

⁹⁷⁵ Case 003, **D4.1.374, FBIS**, "Revolutionary Army Adopts Resolutions on SRV Dispute", 4 January 1978; Case 003, **D1.3.17.3**, the Department of Press and Information of the Ministry of Foreign Affairs of Democratic Kampuchea, "Facts and Evidences of the Acts of the Aggression and Annexation of Vietnam against Kampuchea", September 1978, pp. 40-41; **Case 003, D1.3.25.45** Partial Transcript of Phnom Penh Radio Broadcast entitled "Far Eastern Relations: Cambodia's Strategy of Defense against Vietnam, Excerpts from broadcast on the national defense situation from April 1977 to April 1978", 10 May 1978, p. 2; Case 003, **D1.3.29.4** News of the Democratic Kampuchea entitled "Thwarting the deceptive manoeuvres of Vietnam, the Aggressor and annexationist which swallows up territory", 17 April 1978, p. 1-2; Case 003, **D4.1.237**, CPK Standing Committee Meeting, 2 December 1975, pp. 5-6; Case 003, **D4.1.346**, Written Record of Interview of Witness **Mam Nai**, *alias* Chan, 7 November 2007, pp. 26-27; Case 003, **D4.1.1109**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 28 March 2008, pp. 2-3; Case 003, **D4.1.245**, Written Record of Interview of Witness [REDACTED], 25 September 2007, pp. 14-15; Case 003, **D1.3.29.2** Partial Transcript of Phnom Penh Radio Broadcast entitled "Far Eastern Relations: Pol Pot on the conflict with Vietnam, excerpt from recording of speech by Pol Pot, Secretary of the CPK Central Committee at a 17th January mass meeting on the 10th anniversary of the Cambodian Revolutionary Army", pp. 5-6; Case 003, **D4.1.195** Statement of the Communist Party of Kampuchea to the "Communist Workers' Party of Denmark", 30 July 1978 pp. 30-31.

⁹⁷⁶ Case 003, **D1.3.17.3**, the Department of Press and Information of the Ministry of Foreign Affairs of Democratic Kampuchea, "Facts and Evidences of the Acts of the Aggression and Annexation of Vietnam against Kampuchea", September 1978, pp. 41-42; Case 003, **D1.3.25.45** Partial Transcript of Phnom Penh Radio Broadcast entitled "Far Eastern Relations: Cambodia' Strategy of Defense against Vietnam, Excerpt from broadcast on the national defense situation from April 1977 to April 1978, p. 1; Case 003, **D1.3.29.2** Partial Transcript of Phnom Penh Radio Broadcast entitled "Far Eastern Relations: Pol Pot on the conflict with Vietnam, excerpt from recording of speech by Pol Pot, Secretary of the CPK Central Committee at a 17th January mass meeting on the 10th anniversary of the Cambodian Revolutionary Army", pp. 1-2; Case 003,

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- ¹⁰⁵⁹ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Maen San, No. 5145: Secretary of Northeast Zone, arrested 20 September 1976), p. 224.
- ¹⁰⁶⁰ Case 003, **D4.1.891**, Written Record of Interview of Civil Party Klan Vet, 8 November 2009, pp 3-4.
- ¹⁰⁶¹ Case 003, **D4.1.891**, Written Record of Interview of Civil Party Klan Vet, 8 November 2009, pp 3-4.
- ¹⁰⁶² Case 003, **D4.1.618**, Written Record of Interview of Witness **Norng Sophang**, *alias* Norng Seng Chim, 28 March 2009, pp. 4-6.
- ¹⁰⁶³ Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 03 November 2009 pp. 8-9; Case 003, **D4.1.791**, Written Record of Interview of Witness Chhum Cheat *alias* Sith Han, 08 October 2009, p. 6.
- ¹⁰⁶⁴ Case 003, **D4.1.791**, Written Record of Interview of Witness Chhum Cheat *alias* Sith Han, 08 October 2009, pp. 4-5; Case 003, **D10.1.35**, Written Record of Interview of Witness **Mao Phat**, 6 May 2008, p. 8; Case 003, **D4.1.801**, Written Record of Interview of Witness ██████████, 31 October 2009, pp 5-6; Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 03 November 2009 pp. 7-8; Case 003, **D4.1.805**, Written Record of Interview of Witness ██████████, 08 November 25 2009, pp. 2-3.
- ¹⁰⁶⁵ Case 003, **D4.1.801**, Written Record of Interview of Witness ██████████, 31 October 2009, pp 4-5.
- ¹⁰⁶⁶ Case 003, **D4.1.801**, Written Record of Interview of Witness ██████████, 31 October 2009, pp 5-6; Case 003, **D4.1.805**, Written Record of Interview of Witness ██████████, 08 November 25 2009, pp. 3-5; Case 003, **D4.1.1058**, Written Record of Interview of Witness ██████████, 03 March 2010, pp. 3-4.
- ¹⁰⁶⁷ Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 03 November 2009 pp. 6; Case 003, **D4.1.452**, Written Record of Interview of Witness UM Keo, 08 May 2008, pp. 3-4.
- ¹⁰⁶⁸ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Lai Sarim, No. 4452), p. 195.
- ¹⁰⁶⁹ Case 003, **D4.1.372** Notebook No 092, names of Cadres and Soldiers of Division 502, p. 21.
- ¹⁰⁷⁰ Case 003, Written Record of Interview of Witness ██████████, 31 October 2009, pp 9-10.
- ¹⁰⁷¹ Case 003, **D4.1.801**, Written Record of Interview of Witness ██████████, 31 October 2009, pp 9-10. Case 003, **D4.1.803**, Written Record of Interview of Witness ██████████, 03 November 2009 pp. 7-8.
- ¹⁰⁷² Case 003, **D4.1.950**, Revised S-21 Prisoner List (Lai Sarim, No. 4452), p. 195.
- ¹⁰⁷³ Case 003, **D4.1.805**, Written Record of Interview of Witness ██████████, 08 November 25 2009, pp. 4-5.
- ¹⁰⁷⁴ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Keo Saroeun, No. 3364), p. 147.
- ¹⁰⁷⁵ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Por Sam On, No. 7803), p. 340.
- ¹⁰⁷⁶ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Nuon Lauch, No. 6781), p. 295.
- ¹⁰⁷⁷ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Ieng Heang, No. 2835), p. 124.

- ¹⁰⁷⁸ Case 003, **D4.1.950**, Revised S-21 Prisoner List (Sbaong Run, No. 8966), p. 391.
- ¹⁰⁷⁹ Case 003, **D10.1.105** Son Sen's Annotation on the front page of Confessions by Saur Tuon Mao *alias* Mao stating that: To Comrade Reoun, 1- Request Comrade An to give Contemptible Mao's documents and select names in connection with Division 801.
- ¹⁰⁸⁰ Case 003, **D1.3.27.25** Minutes of the Meeting of Division 801 Comrades Seuan and Thi, 16 December 1976, p. 4.
- ¹⁰⁸¹ Case 003, **D4.1.1015** DK Report entitled "Report of Divsion 801 tp Resepected Uncle 89", 30 March 1977.
- ¹⁰⁸² Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 7; Case 003, **D4.1.794**, Written Record of Interview of Witness **Ung Ren**, 23 October 2009, p. 3; Case 003, **D4.1.796**, Written Record of Interview of Witness Ung Ren, 26 October 2009, pp. 2-3.
- ¹⁰⁸³ Case 003, **D4.1.789**, Written Record of Interview of Witness **Ung Ren**, 17 September 2009, p. 4.
- ¹⁰⁸⁴ Case 003, **D4.1.714**, Telegram of Reoun from Division 801, Report to Respected Uncle 89, 25 December 1976; Case 003, **D1.3.30.7** Report of Roeun to respected and beloved [illegible], 24 March 1977; Case 003, **D4.1.1035**, Telegram 33 of Sam Un to Beloved Brother Roeun, 05 April 1977.
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- ¹⁰⁸⁶ Case 003, **D1.3.34.20**, Telegram 07, Band 545 of VY reported to Respected Brother, 15 June 1977, p. 1.
- ¹⁰⁸⁷ Case 003, **D1.3.34.20**, Telegram 07, Band 545 of VY reported to Respected Brother, 15 June 1977, p. 1.
- ¹⁰⁸⁸ Case 003, **D4.1.803**, Written Record of Interview of Witness [REDACTED], 03 November 2009 pp. 6-7.
- ¹⁰⁸⁹ Case 003, **D4.1.804**, Written Record of Interview of Witness [REDACTED], 05 November 2009 p.4.
- ¹⁰⁹⁰ Case 003, **D4.1.450**, Written Record of Interview of Witness **Phan Thol**, 6 May 2006, pp. 4-5; Case 003, **D10.1.35**, Written Record of Interview of Witness **Mao Phat**, 6 May 2008, p. 6; Case 003 **D4.1.420**, Written Record of Interview of Witness Khoem Peou, 26 August 2008, p. 4-5.
- ¹⁰⁹¹ Case 003, **D4.1.801**, Written Record of Interview of Witness [REDACTED], 31 October 2009, pp 7-8; Case 003, **D4.1.804**, Written Record of Interview of Witness [REDACTED], 05 November 2009, pp. 3-4.
- ¹⁰⁹² Case 003, **D4.1.803**, Written Record of Interview of Witness [REDACTED], 03 November 2009 pp. 6-7; Case 003, **D4.1.801**, Written Record of Interview of Witness [REDACTED], 31 October 2009, pp 7-8; Case 003, **D4.1.450**, Written Record of Interview of Witness **Phan Thol**, 6 May 2006, pp. 4-5; Case 003, **D4.1.804**, Written Record of Interview of Witness [REDACTED], 05 November 2009, pp. 3, 4.
- ¹⁰⁹³ Case 003, **D4.1.891**, Written Record of Interview of Civil Party Klan Vet, 8 November 2009, pp 3-4.
- ¹⁰⁹⁴ Case 003, **D4.1.891**, Written Record of Interview of Civil Party Klan Vet, 8 November 2009, pp 3-4.
- ¹⁰⁹⁵ Case 003, **D1.3.33.8**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 3 October 2007, p. 11; Case 003, **D10.1.63**, Written Record of Interview of Civil Party Romam Yun, 8 July 2009, pp 7.
- ¹⁰⁹⁶ Case 003, **D4.1.801**, Written Record of Interview of Witness [REDACTED], 31 October 2009, pp 10.
- ¹⁰⁹⁷ Case 003, **D10.1.63**, Written Record of Interview of Civil Party Romam Yun, 8 July 2009, pp 4-5.
- ¹⁰⁹⁸ Case 003, **D1/2** International Co-Prosecutor to Request for Clarification, 8 February 2011.
- ¹⁰⁹⁹ Case 003, **D1/2/1** Response of International Co-Prosecutor to Request for Clarification, 16 February 2011, p. 2.

¹¹⁰⁰ See ECCC jurisprudence, Case 002 **D130/9/21** Decision on the Admissibility of the Appeal Against Co-Investigating Judges' Order on Use of Statements which were or may have been obtained by Torture, 18 December 2009, para 30 (Public document). See Case 001 **E1/27.1** Transcript of Proceedings - "Duch" Trial, 28 May 2009, pp. 10-11 (Public document); Case 001, **E176** Decision on Parties Requests to Put Certain Materials Before the Chamber Pursuant to Internal Rule 87(2), 28 October 2009, para 8 (Public document); Case 002 **E1/129.1** Transcript of Hearing on the Substance in Case 002, 03 October 2012, pp. 73-74 (Public document).

¹¹⁰¹ See ECCC jurisprudence, Case 002, **F26/12**, Decision on Objections to Document Lists Full Reasons, 31 December 2015, p. 22, para. 47 (Classification: Public); Case 002 **E1/129.1** Transcript of Hearing on the Substance in Case 002, 03 October 2012, pp. 73-74 (Public document).

¹¹⁰² See ECCC jurisprudence, Case 002, **F26/12**, Decision on Objections to Document Lists Full Reasons, 31 December 2015, p. 28, paras. 57-58 (Classification: Public).

¹¹⁰³ See ECCC jurisprudence, Case 002, **F26/12**, Decision on Objections to Document Lists Full Reasons, 31 December 2015, pp. 35-37, paras. 66-68 (Classification: Public).

¹¹⁰⁴ One of the reasons as regards the policy set out in Article 15 of the Convention against Torture excludes any encouragement for the State to engage in torture. In order to avoid any issue with this policy and to prove the legitimate use of information obtained from the torture-tainted evidence, it is essential to differentiate the two following scenarios. First, the information obtained from torture is used by the authorities who inflicted torture only for the purpose of searching for suspects, escapees or to add to the ongoing investigation. Second, it has something to do with the fact that the judiciary which conducts investigation on torture attempts to use the information obtained from torture to identify the possible source of incriminating evidence. Permitting the use of information obtained through torture as a clue of the investigation in the first scenario may encourage the use of torture. For example, if an investigating body receives responses through torture after which it uses the names contained in those responses to find a series of documents or people relevant to the investigation, all the documents or testimonies of the person will not be admitted as evidence in any proceedings. However, in the second scenario, the judicial institution is not involved directly or indirectly with the authorities who inflicted torture and used the clues to find any evidence against those who use torture. From our point of view, the evidence from witnesses on the basis of the responses given through torture can only be used in the second scenario.

¹¹⁰⁵ See ECCC jurisprudence: Case 002, **E350/8**, Decision on Evidence Obtained Through Torture, 5 February 2016, paras. 63, 70.

¹¹⁰⁶ Statement from the Co-Investigating Judges on Case 003, 29 April 2011, available on [https://www.eccc.gov.kh/sites/default/files/media/ECCC%20OCIJ%20%2029%20Apr%202011\(Eng\).pdf](https://www.eccc.gov.kh/sites/default/files/media/ECCC%20OCIJ%20%2029%20Apr%202011(Eng).pdf) 1

¹¹⁰⁷ See Article 1 of the ECCC Agreement.

¹¹⁰⁸ See Article 2 of the ECCC Agreement.

¹¹⁰⁹ See Article 1 of the ECCC Law.

¹¹¹⁰ See Article 2 of the ECCC Law.

¹¹¹¹ See ECCC jurisprudence, Case 001, **F28**, Appeal Judgement in Case 001, 3 February 2012, pp. 31-32, para. 57 (Classification: Public).

¹¹¹² Case 002, **D427**, Closing Order in Case 002, 15 September 2010, para. 1327, p. 330 (Classification: Public).

¹¹¹³ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 22, p. 7 (Classification: Public).

¹¹¹⁴ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 22, p. 7 (Classification: Public).

- ¹¹¹⁵ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 22, p. 7 (Classification: Public).
- ¹¹¹⁶ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 22, p. 7 (Classification: Public).
- ¹¹¹⁷ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 18, p. 6 (Classification: Public).
- ¹¹¹⁸ Case 001, **E188**, Judgement in Case 001, 26 July 2010, paras. 119, 128, pp. 45, 47 (Classification: Public).
- ¹¹¹⁹ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 140, p. 50 (Classification: Public).
- ¹¹²⁰ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 141, p. 51 (Classification: Public).
- ¹¹²¹ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 131, p. 48 (Classification: Public).
- ¹¹²² Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 154, p. 56 (Classification: Public).
- ¹¹²³ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 174, p. 63 (Classification: Public).
- ¹¹²⁴ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 395, p. 137 (Classification: Public).
- ¹¹²⁵ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 177, p. 64 (Classification: Public).
- ¹¹²⁶ Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 23, p. 8 (Classification: Public).
- ¹¹²⁷ Case 003, **D4.1.1108**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 27 March 2008, p. 6.
- ¹¹²⁸ See ECCC jurisprudence, Case 001, **F28**, Appeal Judgement in Case 001, 3 February 2012, p. 38, para. 71 (Classification: Public).
- ¹¹²⁹ See ECCC jurisprudence, Case 002, **D427/2/15**, Decision on Appeals by NUON Chea and IENG Thirith against the Closing Order, 15 February 2011, pp. 46-47, para. 103 (Classification: Public).
- ¹¹³⁰ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 13, para. 23 (Classification: Public).
- ¹¹³¹ See 1993 Constitution of Cambodia, Article 38.
- ¹¹³² See Article 5 of the 2009 Penal Code of Cambodia.
- ¹¹³³ See Article 22(2) of the ICC's Statute: Definition of Crime shall be strictly construed and shall not be expanded and made analogy. In case of doubt, the definition shall be construed in favor of the person under investigation, prosecution and conviction.
- ¹¹³⁴ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 14, para. 28 (Classification: Public).
- ¹¹³⁵ Book by **Christoph Safferling** entitled "Nürnberg und die Zukunft des Völkerstrafrechts", *Juristenzeitung*, Volume 70, Number 22, 2015, p. 1063, fn. 34.
- ¹¹³⁶ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 15, para. 31 (Classification: Public).
- ¹¹³⁷ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 15, para. 32 (Classification: Public).
- ¹¹³⁸ Book by **Robert Cryer** entitled "*Prosecuting International Crimes: Selectivity and the International Criminal Law Regime*", published by Cambridge University Press, 30 June 2005.
(**Robert Cryer**, "", *Cambridge University Press, June 30, 2005*)¹
- ¹¹³⁹ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, pp. 15-16, para. 33 (Classification: Public).
- ¹¹⁴⁰ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 16, para. 34 (Classification: Public).
- ¹¹⁴¹ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, pp. 16-17, para. 35 (Classification: Public).
- ¹¹⁴² Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 17, para. 36 (Classification: Public).
- ¹¹⁴³ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 17, para. 36 (Classification: Public).
- ¹¹⁴⁴ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 18, para. 40 (Classification: Public).
- ¹¹⁴⁵ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 18, para. 40 (Classification: Public).
- ¹¹⁴⁶ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, p. 18, para. 41 (Classification: Public).

¹¹⁴⁷ Decree 01 dated 15 July 1979 of the People's Revolutionary Council of Kampuchea on the Establishment of the People's Revolutionary Tribunal to prosecute genocide of Pol Pot-Ieng Sary's Clique.

¹¹⁴⁸ **C22/I/32** Judgment of People's Revolutionary Tribunal which was pronounced in Phnom Penh from 15-19 August 1979.

¹¹⁴⁹ Law on the Outlaw the Democratic Kampuchea group which was adopted on 07 July 1997, Article 6.

¹¹⁵⁰ Law on the Outlaw the Democratic Kampuchea group which was adopted on 07 July 1997, Article 6.

¹¹⁵¹ Royal Decree NS/RKT/0996/72 on the Pardon for Ieng Sary, 14 September 1996.

¹¹⁵² Letter of the Co-Prime Ministers of the Kingdom of Cambodia to Secretary General of the United Nations, 21 June 1997.

¹¹⁵³ Decision of the Constitutional Council of Cambodia no. 040/002/2001 KBTC, 12 February 2001.

¹¹⁵⁴ Case 003, **D4.1.842**, Written Record of Interview of Witness **Nam Che**, 28 October 2009, p. 5; Case 003, **D4.1.198**, Statement by **Ieng Sary**, *alias* Van, Deputy Prime Minister in charge of Foreign Affairs of the DK, at a Meeting of non-aligned nations in Lima, Peru, on 8 September 1975, p. 1; Case 003, **D4.1.196**, the True Fact about Pol Pot's Dictatorial Regime 1975-1978, the Research and Documentation Center of the Democratic National Union Movement, 8 September 1996, p. 3; Case 003, **D1.3.33.4**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 24 June 2008, p. 3; Case 003, **D4.1.1156**, Written Record of Interview of Charged Person **Kaing Guek-Eav**, *alias* Duch, 15 July 2008, p. 2.

¹¹⁵⁵ Case 003, **D1.3.17.6** Book by **Stephen Heder** and **Brian D. Tittmore** entitled "Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge", February 2004, p. 46.

¹¹⁵⁶ Military Court, Detention Order no. 10/03 D.K., 22 February 2003.

¹¹⁵⁷ Record of the First Meeting of the Assembly of Cambodia of the 3rd Legislature, Discussion and Adoption of the Agreement between the United Nations and the Royal Government of Cambodia, and the Amendments for the prosecution of Khmer Rouge Leaders (04-05 October 2004), p. 12.

¹¹⁵⁸ Draft Law on the Establishment of the Extraordinary Chambers in the Court of Cambodia, Searching for the Truth, No. 13, February 2001, page 86. The group of experts concluded that list of government officials and senior officials of the Party may not be consistent with the list of those who are most responsible for the gross violations of Human Rights [...] and those who are not being the senior leaders may have played an important role in the atrocities (This may be true especially for those leaders who were at zone level and the cadres who were part of the Offices in charge of torture and interrogation such as Toul Sleng, *see* Case 001, **E188**, Judgement in Case 001, 26 July 2010, para. 19); Statement by Deputy Prime Minister Sok An, 02 May 2009, p. 12. Sokha & O-Toole, Hun Sen to Ban Ki-Moon: Case 002 last trial at ECCC, The Phnom Penh Post, 27 October 2010.

¹¹⁵⁹ Law on "the Establishment of the Extraordinary Chambers in the Courts of Cambodia", 27 October 2004, Art. 20new.

¹¹⁶⁰ Decision of the Constitutional Council of Cambodia no. 040/002/2001 KBTC, 12 February 2001.

¹¹⁶¹ Article by **David Scheffer** entitled "Extraordinary Chambers in the Courts of Cambodia", translated by M. Cherif Bassiouni (ed.) in *International Criminal Law, Vol. 3: International Practice*, 3rd Publication by Koninklijke Brill NV, p. 240.

¹¹⁶² Military Court, Detention Order no. 15/2002 D.K., 22 February 2002.

¹¹⁶³ Military Court, Detention Order no. 10/03 D.K., 22 February 2003.

¹¹⁶⁴ UN Document **A/RES/57/228A**, 27 February 2003, Fifty-seventh session, Agenda item 109 (b) “Resolution adopted by the General Assembly: Khmer Rouge trials” on <http://www.unakrt-online.org/sites/default/files/documents/A-Res-57-228.pdf>.

¹¹⁶⁵ UN Document **A/RES/57/228A**, 27 February 2003, Fifty-seventh session, Agenda item 109 (b) “Resolution adopted by the General Assembly: Khmer Rouge trials” on <http://www.unakrt-online.org/sites/default/files/documents/A-Res-57-228.pdf>.

¹¹⁶⁶ Agreement between United Nations and Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea was signed on 06 June 2003 and came into force on 29 April 2005.

¹¹⁶⁷ Draft Law on the Establishment of the Extraordinary Chambers in the Court of Cambodia, Searching for the Truth, No. 3, February 2001, Page 86.

¹¹⁶⁸ Case 004/1, **D308/3**, Closing Order (Reasons), 10 July 2017, pp. 16-17, para. 35 (Classification: Public).

¹¹⁶⁹ Case 003, **D4.1.950**, Revised S-21 Prisoner List.