

## INTRODUCTION

1. We, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia (ECCC):
  - (1) Having considered the Law on the Establishment of the ECCC;
  - (2) Having considered the Internal Rules of the ECCC;
  - (3) Having seen the Criminal Case File No. 004 dated 15 November 2008; and
  - (4) Having conducted a preliminary investigation submit the following:
  
2. Beginning in early 1977, TA An led a group of cadre from the Southwest Zone who purged and replaced the existing cadre of the Central (old North) Zone. As a result of this purge, TA An became the Deputy Secretary of the Central Zone and the Secretary of Sector 41. Prior to leading the Central Zone purge, TA An had been a Member of the Sector 35 Standing Committee in the Southwest Zone and an elected representative of the People's Representative Assembly.
  
3. In 1977 and 1978, another group of Southwest Zone cadre led by Ta Mok and TA Tith purged and replaced the existing cadre of the Northwest Zone. As a result of this purge, TA Tith became the Acting Secretary of the Northwest Zone and Secretary of Sector 1. Prior to leading the Northwest Zone purge, TA Tith had been the Secretary of the Kirivong District of the Southwest Zone in 1976 and 1977.
  
4. In June 1977, as part of the broader Northwest Zone purge led by Ta Mok and TA Tith, IM Chaem led a purge of Preah Net Preah District of Sector 5 of the Northwest Zone and became the Secretary of Preah Net Preah District. She established and was in charge of the Sector 5 Security Centre at Phnom Trayoung, and exercised considerable influence throughout Sector 5. From 1976 to June 1977, IM Chaem was the Secretary of Koh Andet District of the Southwest Zone.
  
5. As a result of these purges, the Co-Prosecutors have reason to believe that :
  - (1) TA An, in his capacity as Deputy Secretary of the Central Zone and Secretary of Sector 41, is responsible for the crimes occurring in the Central Zone as described in paragraphs 18 to 53.

- (2) TA Tith, in his capacity as Acting Secretary of the Northwest Zone and Secretary of Sector 1, is responsible for the crimes occurring in the Northwest Zone as described in paragraphs 54 to 79. In his capacity as Secretary of Kirivong District, he is also responsible for the crimes occurring in the Southwest Zone as described in paragraphs 80 to 81.
- (3) IM Chaem, in her capacity as Secretary of Preah Net Preah District, is responsible for the crimes occurring in the Northwest Zone as described paragraphs 54 to 59 and 74 to 79.

## SUMMARY OF FACTS

### DK PERIOD OVERVIEW

6. From 17 April 1975 until 6 January 1979, the Communist Party of Kampuchea (CPK), commonly referred to as the Khmer Rouge, sought to fundamentally alter Cambodian society along ideological lines through forcible economic and social change. As set forth in the Co-Prosecutor's First Introductory Submission dated 18 July 2007 (paragraphs 5 through 10), a common criminal plan existed amongst CPK leaders to establish a classless, atheistic and ethnically homogenous society, abolishing all ethnic, national, religious, class and cultural differences.
7. The CPK's criminal policies called for the evacuation of cities, and the virtual enslavement of the entire population of Democratic Kampuchea (DK) in ruthlessly run and inhumane agricultural co-operatives, factories and worksites. Anything or anyone that the CPK perceived as a threat or an obstacle to its policies and ideology would be killed or destroyed, including all religions, ethnic differences, the "feudalist," "capitalist," and "bourgeoisie" classes and all perceived "enemies" or "traitors" in the population or amongst the CPK cadre. Specific groups that were targeted by the CPK included "new people," persons of Vietnamese ethnicity and, particularly in the Central and Eastern Zones, the Cham ethnic and religious minority.
8. The CPK enforced its illegal policies through a nationwide network of security centres that unlawfully detained, mistreated, tortured and executed vast numbers of the DK

population. The CPK conducted repeated purges in which cadre and other personnel working for the CPK were removed from positions of authority and killed (“smashed”) because of real or perceived opposition to the CPK. Leading cadre, security personnel, and people at all levels in society were under instructions to be constantly on guard against enemies “boring from within” and to “continuously attack and purge” bad elements. Between 1.7 and 2.2 million people died during the three year, eight month and twenty day period that the CPK controlled Democratic Kampuchea.

9. The CPK considered the Southwest Zone to be the model for its remaking of Cambodian society along ideological lines. Accordingly, in 1977 and 1978, when it was decided that the Central Zone and the Northwest Zone had failed to achieve CPK goals and that their leaders were disloyal to the regime, CPK cadre from the Southwest Zone assumed control of those zones through a series of purges.
10. In early 1977, TA An led a group of Southwest cadre who purged and replaced virtually the entire Central Zone organization from the commune to zone level. From mid-1977 to mid-1978, the entire Northwest Zone was purged by another group of Southwest cadre led by TA Tith and IM Chaem.
11. Following the arrival of the Southwest cadre in the Central and Northwest Zones, a brutal period ensued in which people were forced to work harder, less food was provided, and hundreds of thousands of people were arrested and killed, including new people, local cadre, Cham, Cambodians of Vietnamese descent, and people from the Eastern Zone who were brought to the Central and Northwest Zones in truckloads to be executed. There may have been as many as 400,000 deaths in the Central Zone and 560,000 deaths in the Northwest Zone during the DK period.

#### CPK ZONE, SECTOR AND DISTRICT STRUCTURE

12. The Zone, Sector and District committees were the primary organizational structures by which the CPK controlled Democratic Kampuchea. The CPK was structured in a hierarchical fashion so that CPK policies could be implemented by the Zones, Sectors, Districts and Branches throughout the entire territory of DK. CPK leaders at each level had the responsibility of overseeing, directing and implementing the CPK’s plans and policies. In March 1976, the Zone Committees were expressly provided the authority

to “smash, inside and outside the ranks” in their bases. The result of this was that Zone leaders had extensive “autonomy to decide on arrests” and authority from the Center to “kill anyone they wanted” in their regions in furtherance of the CPK’s policies.

13. The country was divided into six “Zones.” The Zones were then subdivided into units known as “Sectors,” which were in turn divided into several “Districts.” A district was composed of several “Communes” or “Sub-districts” that contained up to as many as twenty villages. The traditional Cambodian village structure was gradually eliminated and people were forced into agricultural collectives called “co-operatives.” The Branch was the lowest level of organization in the CPK hierarchy. In practice, it existed primarily in the communes, villages and cooperatives, as well as in factories, company-level military units, worksites and ministry offices.
14. The Zones, Sectors, Districts and Branches were essential to the implementation of CPK directives and policy throughout the country. A three-person CPK Committee governed each echelon in this organizational hierarchy, with a Secretary in overall command, a Deputy responsible for security, and a Member responsible for economics. Zone Committees commanded the Zones and were assigned to oversee, supervise and visit the Sectors, Districts, Branches and specific offices (bases) of the Branches. The purpose of such visits was to lead the implementation of tasks and report back to the Central Committee on the situation in and the work of the Zone. The committees at the Sector, District and Branch level fulfilled a similar function of implementing policies and assignments and reporting on their respective situations and work.
15. Based in Phnom Penh, Office 870 acted as a secretariat for the CPK Standing Committee and had the “task of monitoring implementation.” Office 870 transmitted Standing Committee policy directives to the CPK regional bodies, and filed and distributed reports received from the Zones and other CPK administrative bodies on the overall situation and Standing Committee policy implementation throughout DK. A wide variety of means were employed to maintain constant communications between the Center and the regional organizational units, including telephones, field telephones, telegraphs, couriers and a nation-wide radio network established in October 1975.

## THE COMMON CRIMINAL PLANS

16. A common criminal plan, or joint criminal enterprise (JCE), existed from at least February 1977 to the end of the DK regime, which included TA An, his fellow Zone and Sector committee members and those subordinates who came with him from the Southwest Zone. The object of the JCE was to purge the Central (old North) Zone and execute all perceived enemies of the DK regime in that Zone. The specific targets of this JCE were the local cadre, their families and “connections,” and people with connections to the “old society,” new or “1975 people,” the Cham ethnic and religious minority and persons of Vietnamese ethnicity. TA An participated in this JCE as a co-perpetrator and intended the results thereof.
  
17. Another common criminal plan, or joint criminal enterprise (JCE), existed from at least mid-1977 to the end of the DK regime, which included TA Mok, TA Tith, IM Chaem and their fellow committee members and direct subordinates who came from the Southwest Zone. The object of this JCE was to purge the Northwest Zone and execute all perceived enemies of the DK regime. The specific targets of this JCE were the local cadre, their families and “connections,” and people with connections to the “old society,” new or “1975 people,” the Cham ethnic and religious minority and persons of Vietnamese ethnicity. TA Tith and IM Chaem participated in this JCE as co-perpetrators and intended the results thereof.

## CRIMES

### CENTRAL ZONE

#### PURGE OF THE CENTRAL ZONE

18. In early 1977, TA An led a group of cadre from the Southwest Zone to the Central (old North) Zone and purged virtually the entire existing cadre of the Central Zone, starting at the Zone and Sector levels and working down to the communes and villages. When the purge was complete, TA An was Deputy Secretary of the Central Zone and Secretary of Sector 41, and the entire sector, district and commune level CPK organizations had been replaced with Southwest cadre brought to the region by TA An who reported to him.
  
19. The purged cadre from the Central Zone either “disappeared” and were never seen again, or were arrested and taken to S-21 or other prisons, where they were

subsequently executed. The only notable cadre spared in this purge was Central Zone Secretary Ke Pauk, who feared for his own life and blamed the “evil cadres from [the] Southwestern Zone” for the horrific abuses and killings that took place throughout the Central Zone in 1977 and 1978.

20. The purge of the Central Zone was organized and systematic, starting with the top level cadre and working down. As recorded by one S-21 prisoner list, on the 18<sup>th</sup> and 19<sup>th</sup> of February 1977, the following senior leaders of the Central Zone were taken to S-21: CHHOR Chhen *alias* Sreng, the Deputy Secretary of the Central Zone; CHUN Chhum *alias* Tang, the Secretary of Sector 41; CHAN Möl *alias* Töl, the Secretary of Sector 42 and Member of the Central Zone Committee; and the Chairmen of the Zone Commerce, Agriculture, Hospital and Public Works Committees. In the next few weeks, remaining members of the zone and sector committees, and the members of the district committees for Prey Chhor, Kang Meas, Kampong Siem and Cheung Prey districts (all part of Sector 41) were arrested and taken to S-21.
21. The families of the purged cadre were often arrested and killed as well. In the case of Sreng, the Central Zone Deputy Secretary and a former Secretary of Sector 41, the Southwest cadre also arrested and killed his parents, his brother, and his sister, her husband and 7 of their 8 children. These purges continued at least through the end of 1977, extending as far down as village chiefs. Witnesses indicate that arrests were carried out by the Southwest cadre who came to the Central Zone with TA An, and that the purged local cadre were replaced by Southwest cadre from TA An’s group.
22. In addition to the elimination of the existing cadre, following the arrival of TA An and the Southwest cadre in the Central Zone, there was a dramatic increase in the number of arrests, killings and disappearances, and a worsening of general living conditions, amongst the general population. A clear pattern exists throughout the Central Zone – after TA An and the Southwest cadre arrived, more work was required, less food was provided, and large numbers of people were arrested and never seen from again, including new or 1975 people, people with “old society connections” and the Cham. People who “disappeared” were usually taken away at night by horse or ox-carts. The security centres, prisons and execution sites set forth below were some of the crime

sites at which these persons were detained and executed during the period that TA An and the Southwest cadre were in control of the Central Zone.

## Kampong Cham Province

### WAT O TRAU KUON SECURITY CENTRE

23. Wat O Trau Kuon is located in Peam Chi Kong commune, Kang Meas district, Kampong Cham Province (part of Sector 41 and the Central Zone), and was used by the CPK as the district prison for Kang Meas starting in mid-1976. District officials who collected and counted the remains after the DK period estimate that as many as 32,690 people were killed at Wat O Trau Kuon. The remains were discovered in 1979 in a series of pits that covered an area of almost 1 hectare, and included at least 200 large pits (5 by 4 metres wide and 2 metres deep) and as many as 1,000 small pits. The heaviest period of killing was after the arrival of the Southwest cadre in 1977. There were two main groups of victims at Wat O Trau Kuon: “new people” and Chams. (The mass execution of the Cham people in this area is discussed later in paragraphs 40-44 and 47 of this submission.)
24. During the period when the Southwest Zone cadre were in charge of this Security Centre, the chief of Wat O Trau Kuon prison, who also was security chief for the entire district, was named Han. He reported to the district chief Kan, who reported to the sector chief TA An. Kan and Han were both Southwest cadre who came to Sector 41 with TA An in early 1977.
25. The prisoners detained in the Wat were subject to inhumane conditions before being taken to the adjoining plantation area for execution. The Wat was full of many rows of cramped prisoners shackled with foot cuffs to iron bars that stretched across the length of the entire temple, over 20 metres long. The only food provided was chopped morning glory and 8 grains of corn. The prisoners were “very skinny,” “could only speak in whispers, and their faces looked like ghosts.” Prisoners were rarely released. One of the few known survivors was told by the prison guards who released him that he was “lucky” and that “being released was a rare case.” He was kicked, hit with sticks and knocked to the ground by the young *chhlop* who arrested him. Blood stains were

found in the temple when locals were able to visit it after the fall of the DK regime in 1979.

#### **WAT BATHEAY SECURITY CENTRE**

26. Wat Batheay Security Centre was located in Batheay village and commune, Batheay district, Kampong Cham province (part of Sector 41 and the Central Zone). An estimated 8,000 to 10,000 people were killed at this Centre. The killings and disappearances dramatically increased with the arrival of the Southwest Zone cadre in early 1977, as was the case throughout the Central Zone. In 1978 many of those killed were people from the Eastern Zone brought to the Security Centre by trucks as part of the purge of that Zone. One survivor observed a note held by a security officer that read “killed 6,000 of eastern people in the Eastern group.” There were 400 to 500 grave pits at the site. A memorial stupa has been built containing the remains of those killed.
27. The detainees at the Centre were tortured, beaten with sticks and screamed with pain. They were served just one meal a day that consisted of a single spoon of rice, and some died of starvation and disease. The chief of the prison was called Comrade Khim and the chief of the district was named Pheum. District Chief Pheum came from the Southwest Zone in early 1977. A number of surviving prisoners and security cadre have been identified.

#### **MET SOP (KOR) SECURITY CENTRE**

28. Met Sop Security Centre was the sector-level security office for Sector 41 and was located in the rice fields outside of Krauch village in Kor commune, Prey Chhor district, Kampong Cham province. In total, over 2,300 victims are believed to have been killed at this Security Centre and buried at four nearby execution sites. The Security Centre was named after Met Sop, who was the chairman until he was purged and replaced by Southwest Zone cadre Ta Ngov in 1977. When the Southwest Zone cadre arrived in Prey Chhor district, the local cadre were killed and replaced down to the commune level, and there were many more executions at the Security Centre and more deaths from starvation than before.
29. During the period Met Sop was in charge of this security centre, approximately 30% of the prisoners were released, but after Ta Ngov took over in 1977, almost none were

released. All the remaining prisoners were executed before the arrival of the Vietnamese in 1979. As the head of the Sector 41 Security Centre, Ta Ngov is believed to have reported to the Secretary of Sector 41, TA An, who was based less than 10 kilometres away in Prey Totung village, Chhrey Vien commune, Prey Chhor district.

#### **WAT PHNOM PROS SECURITY CENTRE**

30. The Wat Phnom Pros Security Centre was located on one of two hills just west of Kampong Cham town in Krola and Ampil communes, Kampong Siem district, Kampong Cham province (part of Sector 41 and the Central Zone). It was “one of the most notorious places of extermination under DK.” The Wat at the top of Phnom Pros was used as a prison, and victims were killed in the flatlands between the two hills. It is estimated that 10,000 people were executed here. The worst period of killing at this site occurred in 1977 and 1978, after the arrival of the Southwest cadre. Witnesses observed prisoners being transported in trucks to the Security Centre, sometimes as many as 5 trucks at a time.

31. The District Chief of Kampong Siem during this period was Yeay Yut, a female who was closely connected to TA An and who traveled with him to the Central Zone in early 1977. The people killed at Phnom Pros included those with “old society connections” and those linked to suspect cadre. The skulls and bones that were collected from the execution sites at Wat Phnom Pros Security Centre have been placed in memorials at Wat Phnom Pros and Wat No Kor.

#### **KOK PRING EXECUTION SITE**

32. The Kok Pring execution site was located on the edge of Boeng Thom Lake near Kdei Boeng village in Vihear Thom commune, Kampong Siem district, Kampong Cham province (part of Sector 41 of the Central Zone). It is estimated that around 1,000 people were killed at Kok Pring. In 1977, after the Southwest cadre arrived, an “intense purge” of local cadre occurred, disappearances began, work requirements became harsher, and people “were told to identify other people with bad tendencies.” Every other night, 20 to 50 people would be “walked through” Kdei Boeng village to the execution site at the lake. People on their way to the execution site who were “too weak to walk were beaten by the Khmer Rouge.” The people who were taken away were mostly “1975 people.” They never returned.

33. The *chhlop* who took the people to Kok Pring were chosen by and worked for the chief of Vihear Thom commune, a Southwest cadre named Ta Chea who came to the area with District Chief Yeay Yut. Ta Chea reported to Yeay Yut, who reported to the sector chief TA An. The *chhlop* at Ta Chea's commune office regularly talked about how many people they killed and celebrated when they obtained valuables from their victims. In late 1978, Yut's deputy came to Ta Chea's office and "told him to only keep 30 families in each village." The DK regime collapsed before this plan to kill all but 30 families in each village could be carried out.

#### **CHAMKAR SVAY CHANTY SECURITY CENTRE**

34. Chamkar Svay Chanty Security Centre was located in a plantation in Veal Ry Lech village, Svay Teap commune, Chamkar Leu district, Kampong Cham province (part of Sector 42 of the Central Zone). It is estimated that 5,000 to 7,000 people were killed at this site. The most intense period of killing was from mid-1978 to January 1979. Cambodians of Vietnamese descent, and people married to them, were specifically targeted. In July 1978, a mass execution including woman and children took place at the plantation. Shortly after that, Central Zone Secretary Ke Pauk visited the site, arrested and killed the commune chief, and asked district security to "get the names of educated people to be killed."

#### **ANGLONG CHREY DAM FORCED LABOUR SITE**

35. The Anglong Chrey Dam (also called Tuol Kok Khou dam) was located in Prey Chhor District, Kompong Cham Province (Sector 41 of the Central Zone). The dam was 50 metres high and "very long," and was built between January and June 1978. It was built pursuant to a CPK policy that required the construction of a system of dams and canals to increase agricultural production throughout the country. Ten thousand workers from Prey Chhor, Kampong Siem, Kang Meas and Batheay districts of Sector 41 were forced to work on the dam construction project. They began work each day at 4 a.m. Workers at the site were skinny and sick because they were not given sufficient food. They also suffered from painful medical conditions. Anyone who refused to work on the dam would be killed.
36. Anglong Chrey was a sector-level dam, and was visited twice a month by the Secretary of Sector 41, TA An. An gave speeches to the workers during these visits, in which he

called on them to work harder and talked about “the great leap forward and achieving 3 tons of rice per hectare.”

#### GENOCIDE IN KAMPONG CHAM PROVINCE

37. The Cham people are a separate and distinct ethnic and religious group. They are Muslims and descendants of the Kingdom of Champa that settled primarily along the Mekong River in Cambodia. The Cham spoke their own language, lived in their own villages, practiced their own religious beliefs and dressed in their own traditional clothing. One of the principal concentrations of Cham people in Cambodia was located in Kampong Cham Province.
38. From the outset of the DK regime, the Cham people in Cambodia were subjected to persecution and targeted by the CPK. Beginning in late 1975, the CPK forcibly moved many of the Cham people from their villages and dispersed them throughout villages that were predominantly Khmer. Tens of thousands of Cham were forcibly moved to the North and Northwest Zones as part of a specific CPK policy designed to “break [the Cham] up.” Cham men were often separated from the Cham women and children, and moved to different areas as part of mobile work brigades. This took place in a number of locations including Kang Meas, Kroch Chhmar and Koh Sotin districts of Kampong Cham province.
39. The DK Constitution formally banned “reactionary” religions, which ban as applied by the CPK included Islam. Cham were forbidden to partake in any Islamic duty (*vachip*) such as praying (*sambahyang*), fasting, alms giving or any other religious ceremony or funeral. They were banned from possessing Islamic texts, which were collected and burnt by Khmer Rouge cadres. The CPK targeted Cham Muslim religious and political leaders, as well as those Chams who refused to renounce their religion, for execution. The Cham language was prohibited, as was wearing traditional Cham attire (the *sarong*, *fez* and *makhna*, a long prayer garment for women) and using Cham names. The Cham were forced to commit acts strictly forbidden by their faith (*haram*), such as eating pork, and Cham women were forced to cut their hair short, and were not allowed to use

the traditional covering for their heads. Failure to follow these rules could result in execution. During this time, many mosques were damaged or destroyed.

40. In mid-1977, the CPK's general persecution of the Cham people in Kampong Cham Province became genocide, as whole Cham villages were gathered up and taken to Security Centres to be executed in a concerted effort to eliminate every single Cham in those areas.
41. On one evening in August of 1977, security forces in Peam Chi Kang commune in Kang Meas district (part of Sector 41) arrested every Cham person from every village in the commune, and brought them to Wat O Trau Kuon, the district prison. About 300 Cham were arrested that night. The prison's executioners were seen killing the Cham prisoners until 1 in the morning in the plantation adjacent to the prison. The young children in the group were killed by smashing them against trees, and the executioners had "competitions to see who could kill people the quickest," one of whom killed as many as 90 people in an hour. The chief of security for the commune told one of the people assigned to arrest the Chams that the "Cham people were a different race and had to be smashed," and that "if we kept them they would rebel against us sometime."
42. Around the same time, all the remaining Cham from another village in Kang Meas district, Angkor Ban 2, were similarly gathered up in one evening and delivered to Wat O Trau Kuon prison. The Cham taken from Angkor Ban 2 village were all women and children, as the Cham men had previously been separated from their families and relocated with mobile work brigades. The witness who delivered the Cham from Angkor Ban 2 village saw other Cham people walking through the gate to Wat O Trau Kuon when he arrived there. He believed that the Khmer Rouge "did not want ethnic Cham to live in this village or Cambodia" and that the Cham from his village "were arrested only because they were Cham," as they were hard workers and had not committed any mistakes.
43. On another occasion in 1977, seven to eight Cham families were killed at the riverside in Roka Koi commune, Kang Meas district.

44. The mass execution of the Cham community in Kang Meas District at Wat O Trau Kuon occurred a mere 10 days after the Secretary of Sector 41, TA An, visited a worksite in the adjacent district, Cheung Prey, and ordered the unit chiefs to identify the number of remaining Cham and gather them up “so they could be taken to their local bases.” In the events that followed TA An’s order, victims were killed solely because they were Cham, the executions were accompanied by statements of genocidal intent, and the killings resulted in the destruction of a substantial part of the Cham population living in that area.
45. Executions of entire Cham villages also occurred in other locations in Kampong Cham, including villages on the other side of the Mekong River in Kroch Chhmar district, which was part of the Eastern Zone. In some instances, Cham located in the Central Zone may have been taken across the river to Kroch Chhmar for execution. For example, at Koh Phal village (located on an island in the middle of the Mekong river in Kroch Chhmar district), boats full of victims were seen arriving every day during part of 1977 from across the Mekong (Prek Presap or Stung Trang districts, both part of the Central Zone) and elsewhere. In Koh Phal village, of the estimated 1,864 Cham inhabitants who lived there in 1975, only 180 were left in 1979.
46. In other instances, Cham located in villages on the Eastern Zone side of the Mekong may have been taken across the river to the Central Zone to be killed. The inhabitants of five Cham villages in Kroch Chhmar district called Trea 1-5 were “removed” and killed. Those villages were located directly across the river from Wat Stung Trung prison in Stung Trang district (Prek Kok commune), part of Sector 42 of the Central Zone. People who lived in Stung Trang reported seeing many Cham corpses, including children whose heads were severed, floating in the Mekong. In late 1978, the remaining prisoners in Trea were gathered and asked if they were “Khmer or Cham,” and then separated accordingly. The Khmer prisoners were reportedly released, while the 100 Cham prisoners disappeared, except for six of them who lied about their Cham identity.
47. The end result of this genocide was that a substantial part of the Cham population of Kampong Cham was killed. Of the Cham people who lived during the DK period in the four known Cham villages of Kang Meas district, only 2 people escaped and survived. The Cham who were evacuated from those villages to other areas at the

outset of the DK period also appear to have been killed. In one of the 4 villages, Antung Sal (also known as Angkor Ban 1), of the over 600 Cham families who lived there in 1975, none were left at the end of the DK regime and only 30 families returned thereafter. In Sach So village, of the 300 Cham families who were located there before 1975, only 1 family returned. As many as 10,000 Cham may have been executed at Wat O Trau Kuon Security Centre alone.

48. Of the over 158,000 people who are believed to have been killed in Kampong Cham province during the DK period, approximately 74,000 of those people (almost 50% of the total deaths) are identified as “ethnic minorities.” This is a substantially higher percentage than other provinces. For example, of the over 324,000 people who died in Kampong Thom province, only 1,500 were identified as ethnic minorities, and of the over 470,000 people killed in Banteay Meanchey and Battambang provinces, approximately 92,500 were ethnic minorities.

## Kampong Thom Province

### **WAT SRANGE SECURITY CENTRE**

49. Wat Srange Security Centre was a prison with two killing sites, Prey Tbeng and Prey Dang Veng, located in Tbeng commune, Kampong Svay district, Kampong Thom province (part of Sector 43 of the Central Zone). Most of the killing here took place over a one year period from 1977 to 1978, during which time between 15,000 and 36,000 people were killed, according to the chief of security of the prison. The victims included new people, soldiers, base people with “tendencies” or cadre who had “morally misbehaved.” The killing site at Prey Dang Veng contained 400 to 500 pits, which ranged from 2 by 2 metres to 4 by 4 metres, and were about 1.5 metres deep. The Prey Tbeng killing site had 50 pits, each of which was 3 to 4 cubic metres. The Wat could hold 130 to 140 prisoners, and during the 1978 time period entire families were brought in every day by oxcart. Prisoners were shackled, interrogated and subjected to water torture. Very few people were released.

### **TUOL TA PHLONG PRISON & EXECUTION SITE**

50. The Toul Ta Phlong Security Centre was located in the Reaksmei Sophorn High School, located in Trach village, Kampong Chen Cheung commune, Stung district,

Kampong Thom province (part of Sector 43 of the Central Zone). The execution sites for the Security Centre were located on the hills of Tuol Ta Phlong. It is believed that at least 40,000 people were killed at this Security Centre. The *stupa* at the site is reported to have “the largest collection of skulls outside Phnom Penh and Choeung Aèk.”

51. Beginning in 1975, the high school was converted into a prison. Multiple buildings or classrooms were used to hold prisoners, and a different room was used for interrogation. At times as many as 500 prisoners were held in the school. In 1975-76, prisoners were generally held for 1 or 2 months, but during 1977 and 1978 the purges were accelerated and prisoners would only be held 1 night before being executed. In late 1977 or early 1978, many of the “17 April” prisoners were killed, and in January 1979 all remaining prisoners were executed before Vietnamese forces arrived.

#### **WAT KANDAL SECURITY CENTRE**

52. Wat Kandal Security Centre was located in Siem Reang village, Chror Neang commune, Baray district, Kampong Thom province (part of Sector 42 of the Central Zone). Thousands of people were killed at this site. After the arrival of the Southwest cadre, the heads of the collectives and districts all disappeared. In one collective, 2,000 of the 7,000 residents were taken away in trucks and never returned. A former security guard at the prison witnessed torture, executions (including children killed by smashing them against columns) and the removal of livers from prisoners who were still alive.

#### **WAT BARAY CHAN DEK SECURITY CENTRE**

53. Wat Baray Chan Dek Security Centre was located in Tros village, Balaing commune, Baray district, Kampong Thom province (part of Sector 42 of the Central Zone). It is estimated that between 15,000 and 20,000 people were killed at this Security Centre. A large stupa exists which appears to contain the bones of 10,000 people. The victims included new people, base people, Cham and persons of Vietnamese and Chinese ethnicity. Witness interviews establish that the heaviest period of killings occurred after the Southwest cadre arrived in the Central Zone. A number of surviving prisoners are alive who describe inhumane conditions at the prison, including beatings and lengthy periods of starvation.

## NORTHWEST ZONE

### PURGE OF THE NORTHWEST ZONE

54. Starting in June 1977, the cadre of the Northwest Zone were purged from the village to zone level by a group of CPK cadre from the Southwest Zone that were led by Ta Mok, TA Tith and IM Chaem.
55. The purge started in June 1977 with the arrest of Northwest Zone Committee Member and Sector 1 Secretary Ros Mao *alias* Say, and the arrival of Southwest Zone forces in Preah Net Preah District led by IM Chaem. Southwest Zone Secretary and CPK Standing Committee Member TA Mok assigned IM Chaem to take over Preah Net Preah District and “resolve” people issues there, and communicated with Chaem and provided orders to her after she moved to the Northwest Zone.
56. Upon her arrival in Preah Net Preah District, IM Chaem met with her predecessor as district secretary, AN Maong, and obtained a list of 100,000 names including those of the existing district cadre. AN Maong was arrested shortly thereafter on June 28, 1977, and over the next two days other high ranking cadre from Sector 5 and Preah Net Preah District were also arrested. IM Chaem brought 500 Southwest Zone cadre with her to Preah Net Preah District and used those forces to disarm existing Northwest Zone cadre and send them to forced labour sites or security centres, such as S-21 and the Sector 5 prison at Phnom Trayoung, where they were detained and executed. All levels of existing Northwest Zone cadre were arrested and killed, including village chiefs, commune chiefs, district and sector officials, and their family members.
57. Over the remainder of 1977 and the first half of 1978, the purge was systematically extended to the entire Northwest Zone. For example, in August 1977, the Southwest Zone cadre (sometimes referred to as the *Niredey*) arrived in Moug Ruessei District and “all the old leaders were executed.” In Battambang District of Sector 4, Southwest Zone cadre arrived in August 1977, were joined by West Zone cadre around February 1978, and “in April 1978, local cadre suddenly disappeared.” In Sisophon District of Sector 5, the local cadre “were all purged and taken elsewhere and replaced by *Niredey*” around November 1977. In February 1978, Northwest cadre in Pursat province “were made to board GMC trucks and taken in the direction of Mong

Russey.” In the Wat Banteay Neang area of Mongkol Borei District, the local chiefs “were arrested by the incoming *Niredey* in March 1978.” Similar evidence exists in other parts of the Northwest Zone. The purge was enforced by the Southwest Zone military forces of Ta Mok, who “disarmed” the local Northwest cadre.

58. The purge culminated in June 1978 with the arrests of the senior zone and sector leaders, including Northwest Zone Secretary MUOL Sambath *alias* RUOS Nheum, Northwest Zone Deputy Secretary Keu, Sector 3 Secretary PHOK Sary *alias* Tom, Sector 1 Secretary and Northwest Zone Committee Member HENG Teav *alias* Paet *alias* Kantol, and Nheum’s son Diel. When the purge was complete, TA Tith emerged as the Acting Secretary of the Northwest Zone, and the sector, district and commune level CPK organizations had been replaced with Southwest cadre who reported to him. The purged cadre from the Northwest Zone either “disappeared” and were never seen again, or were arrested and taken to S-21, where they were subsequently executed. The Northwest Zone accounted for the highest number of S-21 prisoners of any zone, having 5 times as many prisoners as the second highest zone.
59. In addition to the purge of the existing cadre, there was a significant increase in the number of arrests, killings and disappearances amongst the general population in Preah Net Preah District and the entire Northwest Zone after TA Tith, IM Chaem, Ta Mok and the Southwest cadre assumed control. In the words of one survivor from the Northwest, “1978 was the real year for killings.” The victims of this period included new people, base people, persons of Vietnamese ethnicity and truckloads of people brought in from the East Zone. The security centres, execution sites and forced labour sites set forth in the following paragraphs were some of the crime sites at which these victims were detained and executed during the period that TA Tith, IM Chaem and the Southwest cadre were in control of the Northwest Zone.

#### **WAT KIRIRUM**

60. The Wat Kirirum Security Centre was located in Phnom Sampov village, Phnom Sampov commune, Banan district, Battambang province, which was part of Sector 1 of the Northwest Zone. As many as 15,000 people were executed at this location. The worst period for executions at this site was 1978 to 1979, the same period during which

TA Tith had control and authority over the site as Secretary of Sector 1 and Acting Secretary of the Northwest Zone.

#### **BANTEAY O TA KREY EXECUTION SITE**

61. This execution site was located in O Ta Krey village, Treng commune, Ratanak Mondul District of Battambang Province, and was part of Sector 1 of the Northwest Zone. It is estimated that 1,500 people were killed at this site. Victims were transferred by trucks from the East to be executed at Banteay O Ta Krey between 1977 and early 1979. A former mobile soldier witnessed executioners beating victims at this site.

#### **BANTEAY TRENG SECURITY CENTRE**

62. The Banteay Treng Security Centre was located in Kilo village, Treng commune, Ratanak Mondul District of Battambang Province, and was part of Sector 1 of the Northwest Zone. It is estimated that 800 to 1,000 people were killed at this site. The worst killings occurred from 1977 to 1978, when large numbers of people were “indiscriminately killed.” The size of the killing field is about 10 hectares and covers an entire bamboo forest called Prey Russei Sang Ha Dek. One perpetrator has been identified who is still alive.

#### **WAT THOAMAYUTT SECURITY CENTRE**

63. Wat Thoamayutt Security Centre (now called the Bopha Votey pagoda) was located in Ream Kon village, Moung Ruessei District of Battambang Province, about 600 metres from the district headquarters. In the DK era, Moung Ruessei District was divided between at least Sectors 1 and 4 of the Northwest Zone. It is estimated that 1,000 people were killed at this security centre, and the number of killings was “very severe” in November and December 1978, when entire villages were executed by the *Niredey* (Southwest Zone cadre) and “Ta Mok supporters.” The *Niredey* arrived in this area around August of 1977, at which time the old leaders of the district were all killed.
64. The prison area was 15 metres by 60 metres. People from throughout the district were detained in shackles, interrogated and then taken to be killed in front of the temple. One mobile brigade worker who worked in the area witnessed executions and saw prison security guards frying human livers and “putting out 50-60 livers to dry in the sun.” Another witness also observed the cadre at the prison eating fried human livers.

#### **WAT KANDAL SECURITY CENTRE**

65. The Wat Kandal Security Centre was located on the east bank of the Sangke River in the center of Battambang City and was the largest prison in the Northwest Zone. At present there is no available estimate of the total number of people killed at this security centre, but according to one survivor, prisoners were killed almost every day and the corpses were taken away “like pigs, with their hands and feet tied to a bamboo stick.” The security centre’s main detention building had 3 floors and “many rooms for prisoners.” Wat Kandal was a carefully organized prison, where prisoner lists were kept, prisoners were photographed and written dossiers with biographies were prepared. In 1978, prisoners were interrogated, tortured and killed in the Wat or in houses adjacent to the pagoda. VANN Nath, who was imprisoned in Wat Kandal from 31 December 1977 to 7 January 1978, was taken into the forest behind the prison to a “small brick house,” where he saw “long metal bolts, truncheons, plastic bags and whips” hanging on the walls and “fresh blood stains” under his chair.
66. One of the methods of torture used here was to spread a prisoner’s three middle fingers apart and prick that area with needles and poultry feathers. Electric shocks were also used to torture prisoners and extract confessions. A climate of fear existed at Wat Kandal, as prisoners were aware that other detainees were being tortured, and feared they would suffer the same fate. Living conditions in the prison were inhumane. VANN Nath received one bowl of rice gruel to share with 6 other prisoners, and was not allowed to drink water. Prisoners were leg-shackled or locked in wooden stocks. Most of the prisoners taken to Wat Kandal Security Centre were never seen again.

#### **WAT SAMDECH SECURITY CENTRE**

67. The Wat Samdech Security Centre was located in Samdech village, Ta Pon commune, Sangke District of Battambang Province. It is estimated that 5,000 to 6,000 people were executed here from 1977 to 1978. The heaviest period of killings occurred “at the end of 1978” (a period during which TA Tith was *de facto* or *de jure* Secretary of the Northwest Zone).

#### **WAT PO LAINGKA SECURITY CENTRE**

68. The Wat Po Laingka Security Centre was located in Kach Roteh village, Kampong Prieng commune, Sangke District of Battambang Province. It is estimated that between 5,000 and 7,500 people were killed at this security centre. The killings “increased

sharply from 1977-1979.” A former mobile soldier witnessed truckloads of victims being transported from the East to this site every day, none of whom survived. In the summer of 1978, a survivor of the prison witnessed the killings of 14 to 15 people, who were beaten in the back of the head with wooden sticks. Several former guards at the security centre have been identified.

#### **WAT BANTEAY NEANG SECURITY CENTRE**

69. The Wat Banteay Neang Security Centre was located in Phnum village, Banteay Neang commune, Mongkol Borei District of Banteay Meanchey Province. An estimated 3,500 to 5,000 victims were killed here. There were between 100 and 200 pits, each of which could hold 20 to 25 bodies, in the one hectare killing site area in front of the Wat. Prisoners were hit with pipes, strangled, suffocated with plastic bags and tortured with electric shocks from a small generator. Northwest cadre who were purged by the *Niredey* were arrested and brought to this security centre.

#### **LA-ANG PHNOM KUOY YUM EXECUTION SITE**

70. The La-Ang Phnom Kuoy Yum Execution Site was located behind O Prasat college in Phnom Thom village, O Prasat commune, Mongkol Borei District of Banteay Meanchey Province. An estimated 500 people were killed here in 1978 and early 1979. For example, one hundred quarry workers were arrested by Southwest cadre and taken to the site for execution. Only a few managed to escape alive.

#### **WAT CHAMKAR KHNOL EXECUTION SITE**

71. The Wat Chamkar Khnol Execution Site was located in O Ombel commune, Sisophon District of Banteay Meanchey Province. The pagoda next to the killing site was used as an office by the local cadre. More than 9,000 skulls were discovered at this site and put in a memorial at Wat Sopheak Mongkol. Many of the victims were Vietnamese settlers. Executions were particularly intense at the end of 1978, when “5 or 6 trucks full of people” would sometimes arrive. One survivor witnessed “thousands” of people “tied, shackled and carried away in 20 big trucks” one night. The trucks returned later that evening “carrying only the people’s clothes.”

#### **PRISON NO. 8**

72. This security centre was located in Kbal Chheu Puk village, Sya commune, Kandieng District of Pursat Province. It is estimated that between 4,000 and 10,000 people were killed at this security centre. The prison consisted of 4 buildings: 1 for children, 1 for

women and 2 for men. It could hold 240 prisoners, and was always full. Prisoners were kept in *khnoh* at night, and were required to work for 11 hours during the day. Rape, torture, mutilations and the removal of livers were all witnessed by a surviving prisoner. The remaining prisoners were killed the night before the Vietnamese arrived in January 1979.

#### **TUOL PURCHREY EXECUTION SITE**

73. The Tuol Purchrey Execution Site was located near Pring Khpos village, Sre Sdok commune, Kandieng District of Pursat Province, and was previously described in paragraph 62 of the Introductory Submission filed on 18 July 2007. It is estimated that 10,000 people were killed here, including 1,000 people from the East Zone who were given striped *kroma* for identification and brought for execution from 1977 to 1978.

#### **PHNOM TRAYOUNG SECURITY CENTRE (IC)**

74. The Phnom Trayoung Security Centre and a related rock quarry worksite were located in Preah Net Preah District in Banteay Meanchey Province (part of Sector 5 of the Northwest Zone). It is estimated that as many as 40,000 people died at this location between 1977 and 1979. Phnom Trayoung Security Centre was the sector-level prison for Sector 5 and was the largest security centre in the Sector. Individuals from all over Sector 5, and even some prisoners from Sector 3, were detained here.
75. Phnom Trayoung Security Centre functioned as a tempering place for allegedly traitorous elements, a forced labour site, and an execution site for perceived enemies of the DK regime. Detainees classified as heavy offenders were forced to work in the quarry breaking rocks, and were fed only one spoonful of rice porridge per mealtime. Those who did not work hard enough were killed, and some died from starvation or overwork. Sub-district *chhlop* and Southwest Zone cadre under the control of IM Chaem were responsible for arresting people and taking them to Phnom Trayoung to be killed. Executions, as many as 15 per night were conducted on the north side of Phnom Trayoung mountain.

#### **PHUM CHAKREY SECURITY CENTRE (IC)**

76. The Phum Chakrey Security Centre and the nearby Phum Taruth execution site were located in Chakrey village, Choup commune of Preah Net Preah District, Banteay Meanchey Province. Reports estimate that as many as 6,000 individuals were detained

and killed at this location. During one week in late June 1978, “female Southwest Zone officials” took 20 to 30 individuals every night to the prison and executed them. In addition, almost the entire population of Chakrey village, some 400 individuals, was killed during a purge that occurred throughout Preah Net Preah district lasting until late August 1978. Both the security centre and the execution site were located close to the Preah Net Preah District Office, and it appears that Phum Chakrey Security Centre was the district-level prison for Preah Net Preah District.

#### **WAT PREAH NET PREAH & CHAMKAR TA LING (IC)**

77. Wat Preah Net Preah, with a hospital and adjoining execution site at Chamkar Ta Ling, includes six excavated grave sites. Initial estimates from the grave sites suggest approximately 700 people were killed here, though some bodies may have been burned at both sites. One witness has stated that “Pol Pot’s commune committee” used a house near Wat Preah Net Preah and that prisoners were detained in the house before being killed at Chamkar Ta Ling. A report identifies most of the remains as those of male adults under the age of 45, most likely Phnom Penh evacuees.

#### **TRAPEANG THMA DAM (IC)**

78. The Trapeang Thma Dam is located at Trapeang Thma Khang Cheung Village, Por Char Commune, Phnom Srok District, Banteay Meanchey Province. Certain facts relating to the Trapeang Thma dam forced labour site were set forth in paragraph 46 of the previous Introductory Submission filed on 18 July 2007. In her role as District Secretary, IM Chaem acknowledges that she supervised hundreds of individuals from Preah Net Preah District who were forced to work in rice fields near the Trapeang Thma dam. The workday was extremely long and the forced labourers had little time to rest. The food ration was one bowl of rice porridge per day.

#### **SPEAN SPRENG & PREY RONEAM DAM (IC)**

79. In 1978, 1300 individuals were deployed to forced labour sites at the Spean Spreng and Prey Roneam dam construction sites in Preah Net Preah District (Sector 5 of the Northwest Zone). The building of the 8 kilometer Spean Spreng dam was done entirely by hand and completed in three months. Forced labourers working at the construction site were ill, malnourished and not properly clothed. Threats of death were routinely issued for minor mistakes, and workers were subject to arrest and execution.

## SOUTHWEST ZONE

### WAT PRATHEAT SECURITY CENTRE

80. Wat Pratheat Security Centre was located in Kbal Damrey village, Kok Prech commune, Kirivong District, Takeo Province (part of Sector 13 of the Southwest Zone). After the fall of the DK regime, 200 to 300 burial pits were found nearby, and it is estimated that as many as 16,000 people were killed at this Security Centre. Wat Pratheat was the district prison during the period that TA Tith was Secretary of Kirivong District. Written records of interrogations were prepared and sent to the Kirivong District Committee (which included TA Tith), who would review them and decide which prisoners would be released and which would be killed. Executions generally took place once a week in groups of between 50 and 150, and included women and children.
81. The monk's eating hall was used as the detention area, and there were 3 rows of *khnoh*, each of which could hold 50 people. Prisoners had their feet shackled to a central metal bar, and one of their hands handcuffed to another prisoner. They were tortured, including suffocation with plastic bags, and could be heard "shout[ing] like animals." Some prisoners died during such torture, and many died from starvation or disease. When they were taken away to be killed, they were so skinny they could barely walk. In addition, prisoners were mutilated and their gall bladders or pancreases removed while they were still alive. The members of the District Committee under TA Tith, a man named Töm and a woman named Bau, came to Wat Pratheat and collected "hundreds" of gall bladders, and TA Tith himself also came occasionally.

## SUSPECTS

### TA AN

#### PERSONAL DETAILS

82. TA An is a former monk and a native of Kampong Tralach Leu village in the Kampong Tralach district of Kampong Chhnang province, a historical base area of the Cambodian Communist movement. In the early 1970's during the conflict between the CPK and the Khmer Republic, TA An was in charge of Kandal Stung District in Sector 15, a special CPK office. In addition, a former monk referred to as "Acchar An" (who may be TA An) has been identified as one of the founders in late 1973 of Kraing Ta Chan prison in Tram Kâk district of Takeo province, which became one of the most

notorious prisons in DK and is one of the crime sites identified in the previous Introductory Submission filed on 18 July 2007 (at paragraph 60).

83. TA An is believed to currently reside in Au Da village of Kamrieng District, Battambang province.

#### **AUTHORITY**

84. At the beginning of the DK era, TA An was located in the Southwest Zone. He was initially in charge of the military of Sector 25 (which included Kandal Stung District), and in February 1976 was made a Member of the Sector 35 Standing Committee, where one of his main responsibilities was to finish the Koh Sla dam by year end. In March 1976, he was elected under the name “Tho An” as a representative of the Southwest Zone peasants to the People’s Representative Assembly.
85. In early 1977, TA An led a group of Southwest cadre who went to the Central (old North) Zone and began an exhaustive purge of the existing cadre, starting at the Zone and Sector levels and working down to the communes. The only notable cadre spared in the purge of the Central Zone was Zone Secretary Ke Pauk. TA An assumed the positions of Secretary of Sector 41 and Member of the Central Zone Committee. Kang Chap *alias* Sae may have briefly served as Deputy Secretary of the Zone Committee. By the end of March or early April 1977, however, Kang Chap *alias* Sae had become the Secretary of the new North Zone, and TA An became Deputy Secretary of the Central Zone.
86. From that point until the end of the DK regime, TA An was the second highest ranking member of the CPK in the Central Zone, and appears to have served as *de facto* Zone Secretary during the extended periods of time that Ke Pauk was absent from the Central Zone. As the Deputy Secretary of a Zone, TA An would have become a member of the CPK Central Committee at the 5<sup>th</sup> Party Congress, which committee consisted mostly of “regional and sector secretaries and deputy secretaries.”
87. In his position as Deputy Secretary, TA An was responsible for security in the Central Zone, and had “authority over civil and military affairs.” TA An was thus directly responsible for the 25 known security centres located in the Central Zone. The cadre at

those security centers reported through a chain of command either directly or indirectly to TA An. TA An had the authority and power (a) to provide orders to those subordinates, which they were obligated to follow, and (b) to punish, discipline, suspend or remove subordinates from their positions if they engaged in conduct that he did not authorize or approve. As a Zone Committee member, TA An also had the authority to “smash, inside and outside the ranks.” As a result of this authority, TA An exercised effective control over the individuals at the security centres and other crime sites who participated in the criminal acts set forth in paragraphs 18 to 53, and had the power and authority to decide which persons at those sites were to be “smashed” or executed.

88. The area that TA An controlled as Secretary of Sector 41 included Prey Chhor, Kang Meas, Kampong Siem, Cheung Prey and Batheay districts of Kampong Cham province. As the Deputy Secretary of the Central Zone, TA An also had authority over Sector 42 (comprised of Stung Trang and Chamkar Leu districts from Kampong Cham province, Baray district from Kampong Thom province, and Prek Prasap district from Kratie province) and Sector 43 (comprised of the districts of Santuk, Sandan, Prasat Sambo, Prasat Balang, Stung, Kampong Svay, and Stung Sen/Kampong Thom city in Kampong Thom province). TA An’s principal office during this period was located in Prey Totung village, Chhrey Vien commune, Prey Chhor District of Kampong Cham province, just behind the current district office.
89. TA An has been described as a “senior leader” (by the Security Chairman of the Central Zone), “upper Angkar” and as one of the “few ... senior region leaders” to have survived the DK period. His role as a senior leader of the CPK during the DK period is also confirmed by the fact that, after the fall of the DK regime, TA An remained one of the most senior Khmer Rouge cadres. The Khmer Rouge retreated to the Dangrek mountains on the border of Cambodia and Thailand and established an area known as Region 1001 or Mountain 1001, which was divided into three zones. TA An was in charge of one of the three zones, which was named after him (the TA An Zone). During that period, An lived in “TA An village.”

### **PARTICIPATION AND KNOWLEDGE**

90. TA An, through his leadership positions within the CPK and the Central Zone, planned, promoted, instigated, facilitated, aided and abetted, encouraged, condoned and/or ordered the perpetration of the crimes set forth in paragraphs 18 to 53. TA An's participation in and knowledge of those specific crimes is evidenced by the following:
- a. The purge of the Central Zone (discussed in detail in paragraphs 18 to 22) was planned by TA An and other CPK leaders, and carried out by TA An and the Southwest Zone cadre who came to the Central Zone with him and were under his command. TA An has admitted that he knew about the execution of Central Zone cadre and approved of the purges, telling local villagers in a speech at Wat O Trau Kuon that they should not be afraid on account of "the arrest and execution of the previous cadre," as those cadre were "disloyal to Angkar and the revolution" and had to be "smashed."
  - b. Executions of new people and people with "old society connections" were planned, instigated and ordered by TA An. In June 1977, TA An told the Deputy Secretary of Sector 43 and District Chief of Stung District that he was smashing people for "the slightest mistakes," and executing old society figures (starting from former ten house chiefs up) "so that they would never be able to raise their heads again." Witnesses from the district in which TA An was located confirm that after the arrival of TA An and the Southwest cadre in 1977, anyone with "old society connections" was taken away and executed. The repeated pattern of arrests and disappearances seen throughout the Central Zone after the arrival of TA An and the Southwest Zone cadre (set forth in detail in paragraph 22 and footnotes 41 to 43) establishes that this was an organized effort planned by TA An and other leaders of the CPK and implemented by TA An and his cadre from the Southwest Zone. Ke Pauk himself blamed the "evil cadres from [the] Southwestern Zone" for the abuses and killings that took place in the Central Zone during this period.
  - c. TA An also planned and ordered mass arrests and executions of Cham people. In August of 1977, TA An ordered unit and commune chiefs to identify and gather the remaining Cham and take them to their local bases. Ten days later, Cham villages in Kang Meas District were emptied out and the remaining Cham people living

there were taken to Wat O Trau Kuon prison and killed. By the end of the DK regime, there were only a handful of Cham survivors left in Kang Meas and other areas in Kampong Cham that once had substantial Cham communities.

- d. During one visit to Wat O Trau Kuon, TA An planned, aided and abetted and participated in a scheme to identify and eliminate individuals who were discontent with the DK regime and thus potential internal enemies. On this occasion, TA An gave a speech in which he announced that people should “report to the district chief” if their unit chiefs were not complying with the “policy to feed people 3 times a day” and “they did not have sufficient food to eat.” All the local villagers who did so were “taken away by horse-cart” and executed.
- e. TA An planned, ordered and approved the arrest and detention of individuals in Sector 41 and the Central Zone. For example, on 29 March 1978, Central Zone Chairman Ke Pauk sent a telegram to Office 870 advising that soldiers from Sector 41 had arrested two soldiers who claimed to be in air unit 512. The telegram references an “original letter” that “Comrade An in Region 41” had sent to Angkar on the matter. It asks that SOU Met (Secretary of Division 502, which included the DK air force) be asked if the detained soldiers were in his unit, and concluded: “If yes, please contact Comrade An in Region 41 and get these soldiers back, but if not please let us know.” This document confirms that TA An was directly involved in the arrest of prisoners in Sector 41 and the decision on their fate. In other cases, groups of people were arrested in one district of Sector 41 then transported to security centres located in other districts. The movement of prisoners between different districts in Sector 41 would not have been possible without the planning, knowledge, approval and participation of TA An’s Sector office.
- f. TA An regularly visited and inspected the worksites, security centers and cooperatives located in his region, including sites at which crimes were perpetrated. TA An visited Wat O Trau Kuon, Wat Ta Meak (temporary detention centre), the Anglong Chrey dam worksite, Pring Chrum worksite and the Kampong Kaek water station in Kdei Boeng village. On these visits, An would meet with and direct the local cadre who were his subordinates, and give public speeches encouraging people to work harder, to meet and comply with Party directives and to help

identify and smash persons who were disloyal to and enemies of the regime. During these visits, TA An would have been able to observe the conditions at these sites, including the conditions of the prisoners and the workers who were located there and the effects of the policies he was implementing and the directives he was issuing in his capacities as Sector Secretary and Deputy Secretary of the Zone.

- g. TA An's wife, Comrade Kan, also regularly visited and inspected worksites, cooperatives and villages in the Prey Chhor district area. Some witnesses have indicated that Kan may have held an official position, either as An's deputy, district chief or commune chief. She was seen "everywhere" and was greatly feared, as people she pointed to during her inspections would often disappear shortly thereafter.

## TA TITH

### PERSONAL DETAILS

91. TA Tith (*aka* TA Teut *aka* YEUM Teut *aka* TA 17) is a native of the Tram Kâk district of Takeo province, home of Ta Mok and a place proclaimed as one of three "model districts" (*srok kumruu*) and referred to as the "heartland" of "the Pol Pot zone" and the "archetype" of DK society. Ta Mok was Secretary of the Southwest Zone and a member of the CPK Standing Committee during the entire DK period. TA Tith was Ta Mok's brother-in-law, married to Mok's youngest sister named Ken. As a member of the Mok family, TA Tith was put into important positions in the Southwest Zone CPK organization and "quickly rose through the ranks."
92. TA Tith is currently a wealthy businessman who resides in Phnom Penh.

### AUTHORITY

93. TA Tith was Secretary of the Kirivong District (District 109) of Takeo province, part of Sector 13 of the Southwest Zone, from 1976 until the end of 1977 or early 1978. According to one of the commune chiefs in that district, TA Tith was put in this position because the prior District Secretary "protected a lot of new people, so he was taken away and replaced by Tith, Mok's younger brother-in-law."
94. In mid-1977, Ta Mok, TA Tith and other senior CPK leaders planned and initiated a massive purge of the Northwest Zone, which began with the arrival of Southwest Zone

forces in Preah Net Preah District in June 1977, and culminated a year later in June 1978 with the arrest of Northwest Zone Secretary MUOL Sambath *alias* RUOS Nheum and the other senior zone and sector leaders. During that period, TA Tith acted as a *de facto* leader of the Northwest Zone. After the arrest of Zone Secretary Nheum in June 1978, TA Tith formally assumed the positions of Secretary of Sector 1 of the Northwest Zone and Deputy Secretary of the Northwest Zone Committee, and Ta Mok became Secretary of the Northwest Zone. TA Tith replaced HENG Teav *alias* Paet *alias* Kantol (a long time Member of the Northwest Zone Committee) as Secretary of Sector 1 and Keu (a candidate member of the CPK Standing Committee) as Deputy Secretary of the Northwest Zone.

95. By mid-1978, Ta Mok's responsibilities in DK had significantly increased and the regions under his control had expanded from the Southwest Zone to also include the West, Central, East and Northwest Zones. As a result, Ta Mok only visited the Northwest Zone "occasionally," and TA Tith served as the *de facto* Zone Secretary. Late in the DK regime, TA Tith may have been promoted to *de jure* Zone Secretary, as one witness was present at a meeting of key Northwest Zone cadre in late 1978 at which TA Tith arrived with 4 or 5 bodyguards and announced that he was "the new chief of the Zone." As the *de facto* or *de jure* Secretary of one of the strategically most important Zones in DK, TA Tith would have become a member of the CPK Central Committee at the 5<sup>th</sup> Party Congress.
96. As the Deputy Secretary and Acting Zone Secretary, TA Tith was responsible for security in the Northwest Zone and had "authority over civil and military affairs." TA Tith was thus directly responsible for the 27 known security centres located in the Northwest Zone. The cadre at those security centers reported through a chain of command either directly or indirectly to TA Tith. TA Tith had the authority and power (a) to provide orders to those subordinates, which they were obligated to follow, and (b) to punish, discipline, suspend or remove subordinates from their positions if they engaged in conduct that he did not authorize, approve of or otherwise condone. As a Zone Committee member, TA Tith also had the authority to "smash, inside and outside the ranks." As a result of this authority, TA Tith exercised effective control over the individuals at the security centres and other crime sites who participated in the

criminal acts set forth in paragraphs 54 to 81, and had the power and authority to decide which persons at those sites were to be “smashed” or executed.

97. The area that TA Tith controlled as Secretary of Sector 1 included parts of what is now Banan, Ratanak Mondul, MOUNG RUESSEI, Sangkae and Samlout districts of Battambang province. The Sector 1 offices during the DK period were located at what is now the Ratanak Mondul Police Office. As the Acting Secretary and Deputy Secretary of the Northwest Zone, TA Tith also had authority over Sectors 2, 3, 4, 5, 6 and 7 of the Northwest Zone, in effect all of what is now Battambang, Banteay Meanchey and Pursat provinces.

#### **PARTICIPATION AND KNOWLEDGE**

98. TA Tith, through his numerous leadership positions within the CPK, planned, promoted, instigated, facilitated, aided and abetted, encouraged, condoned and/or ordered the perpetration of the crimes set forth in paragraphs 54 to 81. TA Tith's participation in and knowledge of those specific crimes is evidenced by the following:
- a. The purge of the Northwest Zone leadership (discussed in detail in paragraphs 54 to 59), at the completion of which TA Tith was the Acting Zone Secretary, was planned by TA Tith, Ta Mok and other CPK leaders, and carried out by Southwest Zone cadre under their command.
  - b. The mass arrests and executions that occurred systematically throughout the Northwest Zone following the arrival of the Southwest cadre (set forth in detail in paragraph 59 and footnotes 222 to 228) were planned, instigated and ordered by TA Tith. TA Tith's knowledge of and direct responsibility for those arrests and executions was confirmed by the former Northwest Zone Committee Member and Secretary of Sector 1.
  - c. In Kirivong District, TA Tith ordered his subordinates to arrest and kill people. The chief of Ream Anduek commune, Ngaol, received orders from Tith to kill two hundred people. On one occasion, TA Tith ordered Ngaol to execute two people who had planned to flee to Vietnam, and came to watch the executions to make sure Ngaol carried out his orders. Most of the killings were carried out by district

security forces who were under TA Tith's direct control and command. One of the members of TA Tith's District Committee, "Medic" Bau, personally killed all the relatives of the Kok Prech village chief. At Wat Pratheath Security Centre, written records of interrogations were prepared and sent to TA Tith's District Committee for review. The District Committee would then send a list back to Wat Pratheath identifying which prisoners were to be released and which were to be executed.

- d. TA Tith also ordered his subordinates in Kirivong District to "watch soldiers, teachers, and their networks" and to smash evacuees who were determined to have few relatives among the base people.
- e. TA Tith had knowledge of, ordered and possibly directly participated in the torture and mutilation of prisoners. The members of the Kirivong District committee who were under TA Tith came to Wat Pratheath Security Centre to collect gall bladders that had been removed from prisoners, and TA Tith himself came occasionally.
- f. TA Tith directed the commune chiefs and other subordinates who reported to him to collect and take away most of the rice produced by the cooperatives and villages in his territory. As a result, the people who lived in Kirivong District worked long hours and received half rations, and many people starved to death. Large quantities of rice were also taken from Northwest Zone cooperatives in 1978, leaving the local people without enough food.
- g. TA Tith sent cadre to a Southwest Zone "reform office" established in January or February 1978 for CPK cadre who were found to have "connections to tendencies" or "whose bosses had been arrested and whose stance had yet to be ascertained."
- h. TA Tith visited and inspected the security centers, cooperatives, worksites, factories, agricultural sites and state facilities located in his regions, including sites at which crimes were perpetrated such as Wat Pratheath. On these visits, he would meet with and direct the local cadre who were his subordinates, and give speeches encouraging people to work harder and to meet and comply with Party directives. Also during these visits, he would have been able to see the conditions at the sites, including the conditions of the prisoners and workers located there and the effects

of the policies he was implementing and the directives he was issuing in his capacities as Kirivong District Secretary, Sector 1 Secretary and Acting Secretary of the Northwest Zone.

## IM CHAEM

### PERSONAL DETAILS

99. IM Chaem was born in 1946 in Kbal O Village, Tram Kak District, in Takeo Province. She joined the revolution in 1970 because she was afraid that the “Khmer race might be lost.” IM Chaem came from the same village as Ta Mok, Secretary of the Southwest Zone and a member of the CPK Standing Committee, and had a long standing relationship with Ta Mok that continued throughout the DK regime.
100. IM Chaem is currently the Chief of Trapeang Tav Commune, Anlung Veng District, in Oddar Meanchey Province. She has held this position since June 2005 when she was promoted from deputy chief to chief of the sub-district.

### AUTHORITY

101. During the period from 1976 to June 1977, IM Chaem was District Secretary of Koh Andet District in Takeo Province (part of Sector 13 of the Southwest Zone). In June 1977, she was appointed Secretary of Preah Net Preah District in Banteay Meanchey Province (part of Sector 5 of the Northwest Zone), and held that position until the end of the regime. Ta Mok personally selected IM Chaem for this position.
102. IM Chaem had a long standing relationship with TA Mok, the Secretary of the Southwest Zone, member of the CPK Standing Committee and (starting in June 1978) Secretary of the Northwest Zone. IM Chaem and TA Mok discussed a three year plan for Preah Net Preah District in which IM Chaem would “resolve people’s issue here.” Throughout her tenure at Preah Net Preah District, IM Chaem communicated with Ta Mok about the status of detainees, forced labour and the progress at the dam construction sites. Also, as had occurred during her tenure as District Secretary of Koh Andet in the Southwest Zone, TA Mok continued to provide orders to IM Chaem relating to her duties in Preah Net Preah District. These communications with Ta Mok occurred both before and after he became Northwest Zone Secretary in June 1978.

103. In addition to her relationship with TA Mok, IM Chaem reported to and received orders from the highest levels of the DK regime regarding forced labour in Preah Net Preah District including POL Pot, “upper Angkar” and the Zone Committee.
104. As District Secretary, IM Chaem’s influence extended throughout Sector 5 in that she established, operated and controlled the Sector 5 security centre at Phnom Trayoung, where Preah Net Preah cadre and other individuals identified as enemies were unlawfully detained, subject to forced labour in the security centre’s rock quarry and executed. A number of witnesses have stated that IM Chaem was the head of Phnom Trayoung Security Centre. In addition, sub-district chhlop under the control of IM Chaem were responsible for taking arrested individuals to Phnom Trayoung to be killed.
105. As Preah Net Preah District Secretary, IM Chaem also exercised authority over a number of security centres in the district. These include Phum Chakrey Security Centre (which functioned as the Preah Net Preah District prison) and its adjoining killing site at Phum Taruth.
106. IM Chaem has acknowledged that she sent individuals from Preah Net Preah District to work in the rice fields at the Trapeang Thma dam construction site in neighboring Phnom Srok District, where conditions included starvation and overwork. IM Chaem has also acknowledged that she sent individuals, including disarmed Northwest Zone militia, to forced labour at the Spean Spreng and Prey Roneam dam construction sites in Preah Net Preah District.
107. In her capacity as a District Secretary, IM Chaem exercised effective control over the individuals at the district and commune levels who participated in the criminal acts set forth in paragraphs 74 to 79. As a result of the hierarchical structure of command of those CPK organizations, IM Chaem had the authority and power (a) to provide orders to those subordinates, which they were obligated to follow, and (b) to punish, discipline, suspend or remove subordinates from their positions if they engaged in conduct that she did not authorize, approve of or otherwise condone.

### **PARTICIPATION AND KNOWLEDGE**

108. As the District Secretary of Preah Net Preah District, IM Chaem planned, promoted, instigated, facilitated, aided and abetted, encouraged, condoned and/or ordered the perpetration of the crimes set forth in paragraphs 54 to 59 and 74 to 79. IM Chaem's participation in and knowledge of those specific crimes is evidenced by the following:
- a. IM Chaem was directly involved in the arrests of cadre in Preah Net Preah District. For example, IM Chaem has admitted that during her tenure as District Secretary, arrest orders from the Zone office were directed to and received by her, and that she followed orders to identify individuals for arrest. Moreover, IM Chaem presided over a 1978 meeting at Wat Preah Net Preah where it was decided to arrest then Deputy Secretary of Preah Net Preah District AT Sam. Subsequently, IM Chaem personally arrested AT Sam.
  - b. IM Chaem also had knowledge of the events, including killings, at Chamkar Ta Ling, the killing site adjoining Wat Preah Net Preah, as she conducted meetings at Wat Preah Net Preah.
  - c. IM Chaem acknowledges sending as many as 800 individuals (including Northwest Zone militia whom she disarmed) to forced labour sites at the Spean Spreng and Prey Roneam dam construction sites in Preah Net Preah District, and admits that the dam was constructed entirely by human labor. IM Chaem acknowledges that it was her idea to build the dam and she drafted the construction plans. IM Chaem communicated with POL Pot about the conditions of forced labourers and acknowledged that some individuals died from overwork.
  - d. IM Chaem has been identified as the head of Phnom Trayoung Security Centre where as many as 40,000 detainees died from executions, starvation and overwork. As a part of tempering or re-education, detainees were forced to work in the security centre's rock quarry worksite or ploughing rice, and were only fed one spoonful of rice porridge per mealtime.
  - e. IM Chaem acknowledges that she sent hundreds of individuals to forced labour at the Trapeang Thma dam construction site, and that the workers at that site were ill,

malnourished and died of starvation. IM Chaem received the working plan for the Trapeang Dam construction site at a monthly meeting and received visits at the construction site from KHIEU Samphan and POL Pot.

- f. Finally, witnesses describe increased food shortages in Preah Net Preah District following the arrival of the Southwest Zone cadre. Preah Net Preah District was an area that had serious food supply problems, as 90,000 new people had been moved to a district in which as few as 150 families had lived prior to 17 April, 1975. IM Chaem herself acknowledges that as many as 10,000 individuals died from executions, starvation and disease during her tenure as district secretary in Preah Net Preah and that there was a lack of food and adequate medical care during this time period.

## ALLEGED OFFENCES

109. We, the Co-Prosecutors, have reason to believe that TA An planned, instigated, ordered, aided and abetted or committed the offenses described in paragraphs 18 to 53 of this Third Introductory Submission, that TA Tith planned, instigated, ordered, aided and abetted or committed the offenses described in paragraphs 54 to 81 and that IM Cheam planned, instigated, ordered, aided and abetted or committed the offenses described in paragraphs 54 to 59 and 74 to 79, all of which occurred in Cambodia during the period from 17 April 1975 to 6 January 1979 and are under the jurisdiction of the Extraordinary Chambers in the Courts of Cambodia.
110. We are satisfied that these suspects were senior leaders during the DK period and/or persons most responsible for crimes pursuant to Article 29 of the ECCC Law. These suspects planned, instigated, ordered, aided and abetted or committed these crimes. They directly intended that these crimes be committed or at least they had the awareness of the substantial likelihood that the crimes would be committed in the execution of their plans, instigation, orders or assistance.
111. Where these suspects committed these crimes they did so by participating in a joint criminal enterprise with other co-perpetrators. These crimes were the object of the JCE or alternatively the natural and foreseeable consequences of the JCE. The suspects were or should have been aware that such crimes were a natural and foreseeable consequence of the execution of the JCE and decided to participate in the enterprise. Other members of the JCE acted on the basis of the common purpose, with shared intent.
112. These suspects are also responsible for these crimes as superiors of their subordinates that committed these crimes. These suspects had effective authority and control over the subordinates, and the suspects knew or had reason to know that these subordinates were about to commit such acts or had done so and the suspects have failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.
113. We are satisfied that in respect of TA An, TA Tith and IM Chaem the requisite conditions set out in Rules 42 and 63 for the arrest and provisional detention pending judicial investigation and trial are met, considering:

- a. this Introductory Submission provides well founded reasons to believe that these suspects have committed the crime or crimes specified herein. The evidence collected during the Co-Prosecutors' preliminary investigation, including witness and documentary evidence, supports the likelihood that the suspects named in this Introductory Submission will be convicted of the crimes specified herein and punished according to ECCC law.
  - b. owing to the severity of the crimes committed and the likelihood that these suspects would receive lengthy sentences for those crimes there is a danger of them fleeing from justice and not making themselves available for trial. The suspects have the ability and economic means to flee the country and/or otherwise evade justice. They are aware that the ECCC has been established and that its judicial proceedings have commenced. It is therefore highly likely that these suspects will use all means available to them to flee from justice. At least two of the suspects reside near the Cambodian-Thai border.
  - c. owing to the senior positions that these suspects occupied in the past and the widespread, systematic and severe nature of the crimes committed by them there is every likelihood that the witnesses, victims and third persons will feel threatened and intimidated and consequently refrain from assisting the Extraordinary Chambers in the Courts of Cambodia should these suspects not be arrested and detained pending investigation and trial.
  - d. as these investigations and the subsequent trial are likely to arouse immense public interest, participation and passion, it is in the interest of justice that all these suspects be arrested and detained to ensure their security and to preserve public order.
114. We are satisfied that the requisite conditions to grant measures for the protection of individuals, including victims, witnesses and third persons who are referred to, either directly or by necessary implication, in this Introductory Submission, the accompanying case file and any other material provided therewith, are satisfied. These protective measures are essential because the success of the proceedings before

the Extraordinary Chambers in the Courts of Cambodia depends on the ability and the willingness of witnesses to assist in the search for truth. Further, victims, witnesses and third persons associated with these proceedings are entitled to safety of their life and property, fair treatment, respect and reasonable privacy, consistent with the due process rights of the suspects.

115. At this stage of preliminary investigations when a thorough analysis has not been conducted in respect of the threat perception to individual witnesses, victims and third persons, the Co-Prosecutors request that all such persons be accorded certain basic measures of protection until such time as a comprehensive specific individual assessment is undertaken by the Office of the Co-Investigating Judges. These interim measures should include, but not be limited to:

- a. non-disclosure to the public including print and electronic media of any material supplied herewith, including without limitation, witness testimony or statements or the identity of any witness or group of witnesses, except as is reasonably necessary for the defence and civil parties to participate and assist in these proceedings.
- b. provision of such material only to designated members of the defense teams of the suspects and civil parties after the names of such individuals have been entered on a special register maintained by the Office of the of Co-Investigating Judges and after they have signed a binding Oath of Non-Disclosure of such information to the public including print and electronic media except as is reasonably necessary to allow them to prepare their case before the Extraordinary Chambers in the Courts of Cambodia.
- c. an order that the designated members of the defense teams and civil parties, after conclusion of proceedings before the Extraordinary Chambers in the Courts of Cambodia must return any of the material disclosed or provided to them. In the event that any of the designated members withdraws from the proceedings, all such materials in his or her possession must also be returned immediately upon such separation.

- d. an order that as a general protective measure no designated member of the defense team of a suspect or civil parties shall disclose to the public, including print and electronic media, any information that discloses or might lead to the disclosure of the identity and/or the current whereabouts of any victim, witness or third person mentioned in the current Introductory Submission, the accompanying case file and any other material provided therewith.
116. In respect of potential witnesses mentioned in Annex B to this Third Introductory Submission, the Co-Prosecutors request that, due to the extremely sensitive nature of this information, this annex be withheld from the public and the designated members of the defense teams of suspects and civil parties until such time as a complete assessment is made regarding any risk to their lives, families and properties or 15 days prior to their appearance before the Extraordinary Chambers in the Courts of Cambodia, whichever is earlier.

## REQUEST

117. The Co-Prosecutors therefore decide to open a judicial investigation against TA An into the facts specified in paragraphs 18 to 53 in relation to the following proposed charges:
- a. Homicide, Torture and Religious Persecution of Cham. These constitute violations of the 1956 PENAL CODE (Article 501, 503, 504, 505, 506, 507 & 508); Article 500 and Articles 209 and 210, punishable under Article 3 (new), 29 (new) and 39 (new) of the ECCC Law.
  - b. Genocide of Cham (paragraphs 37 to 48). This constitutes a violation of the CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE OF 1948, punishable under Article 4, 29 (new) and 39 (new) of the ECCC Law.

- c. Murder; Extermination; Enslavement; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, “new people,” suspected “bad elements,” Cham, and persons of Vietnamese ethnicity; and other Inhumane Acts. These constitute CRIMES AGAINST HUMANITY, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law.
118. Open a judicial investigation against TA Tith into the facts specified in paragraphs 54 to 81 in relation to the following proposed charges:
- a. Homicide, Torture and Religious Persecution of Buddhists and Cham. These constitute violations of the 1956 PENAL CODE (Article 501, 503, 504, 505, 506, 507 & 508); Article 500 and Articles 209 and 210, punishable under Article 3 (new), 29 (new) and 39 (new) of the ECCC Law.
  - b. Murder; Extermination; Enslavement; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, “new people,” suspected “bad elements,” Buddhists, Cham, and persons of Vietnamese ethnicity; and other Inhumane Acts. These constitute CRIMES AGAINST HUMANITY, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law.
119. Open a judicial investigation against IM Chaem into the facts specified in paragraphs 54 to 59 and 74 to 79 in relation to the following proposed charges:
- a. Homicide, Torture and Religious Persecution of Cham. These constitute violations of the 1956 PENAL CODE (Article 501, 503, 504, 505, 506, 507 & 508); Article 500 and Articles 209 and 210, punishable under Article 3 (new), 29 (new) and 39 (new) of the ECCC Law.
  - b. Murder; Extermination; Enslavement; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, “new people,” suspected “bad elements,” Cham, and persons of Vietnamese ethnicity; and other Inhumane Acts.

These constitute CRIMES AGAINST HUMANITY, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law.

120. Submit the Criminal Case File No. 004 dated 20 November 2008 and other material of evidentiary value to the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia to act upon the law, order the arrest and provisional detention of TA An, TA Tith and IM Chaem and grant the protective measures requested herein.