

INTRODUCTION

1. We, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia (ECCC):
 - (1) Considering Rules 53 and 63(3)(a) of the Internal Rules of the ECCC (“The Internal Rules”) and the definition of “Introductory Submission” provided in the Internal Rules Glossary;
 - (2) Having conducted a preliminary investigation and having concluded that crimes within the jurisdiction of the ECCC have been committed;
 - (3) Request the Co-Investigating Judges to open a new investigation into the following facts related to the liability of the suspects **SOU Met** and **MEAS Mut** and to arrest and provisionally detain them during the judicial investigation.
2. From June 1975 until January 1979, **SOU Met** was the Secretary of Division 502 of the Revolutionary Army of Kampuchea (“RAK”) and commander of the RAK air force. He was also a member of the Assisting Committee of the Central Committee of the Communist Party of Kampuchea (“CPK”), one of the highest ranks within the CPK hierarchy. Finally, he exercised considerable influence within the General Staff, the highest body within the RAK.
3. From April 1975 until January 1979, **MEAS Mut** was the Secretary of Division 164 of the RAK and commander of the RAK navy. He was either a member of the Central Committee of the CPK or a member of the Assisting Committee of the Central Committee. In addition to his military and Party responsibilities, he also effectively controlled the town of Kompong Som, the surrounding area and Cambodia’s coastal islands.
4. The Co-Prosecutors have reason to believe that **SOU Met** and **MEAS Mut** participated in the perpetration of the crimes described in paragraphs 43 to 66 of this Second Introductory Submission, including forced labour, inhumane living conditions, unlawful arrest and detention, physical and mental abuse, torture and killing. In particular, **SOU Met** and **MEAS Mut** participated in a criminal plan to purge the RAK of all undesirable elements, which resulted in at least thousands and quite probably tens of thousands of deaths. In addition, tens of thousands of people were unlawfully

detained and used as forced labour. **SOU Met** and **MEAS Mut** used their authority and influence to further the criminal plan and significantly contributed to the commission of the crimes described below.

5. This request relates to the suspects' involvement in both criminal acts that were identified in the Introductory Submission filed on 18 July 2007 (the First Introductory Submission) and the Supplementary Submission filed on 26 March 2008* and criminal acts that were not identified in the earlier submissions. The crimes included in this Second Introductory Submission that overlap with the crimes described in the previous Introductory and Supplementary Submission occurred at the following locations:
 - (1) the S-21 Security Centre;
 - (2) the Stung Tauch execution site;
 - (3) the Kampong Chhnang airfield construction site;
 - (4) the Central Zone;
 - (5) the New North Zone;*
 - (6) the East Zone; and
 - (7) Vietnam.
6. The crimes falling outside of the First Introductory Submission and Supplementary Submission occurred at the following locations:
 - (1) the S-22 Security Centre;
 - (2) the Wat Eng Tea Nhien Security Centre;
 - (3) the Stung Hav rock quarry;
 - (4) the DK navy;
 - (5) the Division 801 Security Centre; and
 - (6) various other unnamed security centers run by the Divisions of the RAK.

INVESTIGATION HISTORY

7. On 10 July 2006 the Co-Prosecutors initiated preliminary investigations into crimes under the ECCC Law. After receiving witness complaints, the Co-Prosecutors conducted a series of witness interviews and field investigations and collected extensive documentary evidence. On 18 July 2007 the results of these preliminary investigations were incorporated into an Introductory Submission, which requested that the Co-

Investigating Judges open a judicial investigation into a number of criminal acts and arrest and provisionally detain five suspects.

8. No further witness interviews or field investigations were conducted into the crimes described in the First Introductory Submission, although the Co-Prosecutors continued to analyze evidence that had been collected to identify additional crimes and additional suspects that fall within the jurisdiction of the ECCC. The Co-Prosecutors conducted further preliminary investigations, including both field investigations and witness interviews, in August 2008 relating solely to: (1) the additional crime sites identified in this Second Introductory Submission that were not present in the First Introductory Submission; and (2) the role and criminal liability of the suspects **SOU Met** and **MEAS Mut** for the crimes referred to in this Second Introductory Submission.

SUMMARY OF FACTS

9. We, the Co-Prosecutors of the ECCC, having considered the evidence contained in this Second Introductory Submission, submit that **SOU Met** and **MEAS Mut**'s involvement in the acts described in this Submission makes them responsible for crimes against humanity, grave breaches of the Geneva Conventions of 12 August 1949 and the crimes of homicide and torture under the 1956 Cambodian Penal Code, punishable under Articles 3, 5, 6, 29 (new) and 39 (new) of the ECCC Law for the reasons outlined below.

DK PERIOD OVERVIEW

10. Between 17 April 1975 and 6 January 1979, the Communist Party of Kampuchea set out to fundamentally alter Cambodian society on ideological lines through forcible economic and social change. To accomplish this change, the leaders of the CPK implemented policies that resulted in widespread starvation, systematic brutality, inhumane living conditions and the deaths of between 1.7 and 2.2 million people. The cities were evacuated and virtually the entire Democratic Kampuchea ("DK") population was enslaved in ruthlessly run and inhumane co-operatives, factories, worksites, military divisions and other units of organization, which forced the people to engage in hard labour without adequate food. The CPK created a nationwide network of detention and security centres that unlawfully detained, mistreated, tortured and executed vast numbers of Cambodians. It also executed many tens and possibly

hundreds of thousands of its own cadres in the belief that they were “enemies” infiltrating all administrative, political and military levels.

11. The CPK conducted repeated purges in which people were removed from positions of authority and killed (“smashed”) because of real or perceived opposition to the CPK. Leading cadre, security personnel, combatants and people at all levels in society were under instructions to be on guard against enemies “boring from within” and to “continuously attack and purge” bad elements. The purge of the Revolutionary Army of Kampuchea that is described below was one of the many purges that took place in Cambodia during the DK period. These crimes resulted from conscious decisions systematically planned and implemented by the CPK leadership and constituted a widespread and systematic attack directed against virtually the entire civilian population of Cambodia.

RAK STRUCTURE

12. The Constitution of Democratic Kampuchea gave the Revolutionary Army of Kampuchea the duty to “defend the State power” and help “build the country.” The RAK had general responsibility for both external and internal security. It was divided into three branches; regular, regional, and guerilla. All were “under the absolute leadership monopoly” of the CPK.
13. The RAK was under the direct supervision of the Military Committee, which was a subcommittee of the CPK’s Central Committee that was responsible for military and security affairs. The Military Committee included Standing Committee members POL Pot, **NUON Chea**, and SON Sen (alias Khieu or Brother 89), as well as other senior CPK cadre.

THE GENERAL STAFF

14. The General Staff of the RAK acted as the central command for the military, performing functions including, planning, operations, intelligence, and logistics. SON Sen served as Chairman of the General staff. He was assisted in his work by CPK cadres assigned to the General Staff, including Raen and Teanh. Collectively, the General Staff and its sub-offices, Office 62 and Office 63, had about 4,500 personnel.

15. One of the most important roles of the General Staff was to maintain internal security, including monitoring “internal enemies” and taking steps to eliminate them. In particular, the CPK Central Committee delegated to the General Staff the authority to determine which RAK personnel to execute in furtherance of CPK policies. The General Staff exercised this authority and many General Staff cadres were sent to S-21, where they were executed.
16. In exercising this right to smash RAK personnel, the General Staff sometimes dispatched cadres into the field to deal with internal security problems in RAK units. However, it appears that the right to smash was usually delegated to the commanders of RAK Divisions, often in direct consultation with S-21. Other cadres were sent for re-education.
17. The General Staff also prepared reports on internal and external threats, and it had the authority to issue orders pertaining to internal security including orders for cadre dress codes, guarding, patrolling, and weapons permits. It appears that the General Staff had its own security forces.
18. The General Staff coordinated the implementation of CPK policies in the RAK units under its command. To accomplish this, the General Staff communicated with the Divisions and Independent Regiments through regular meetings between the Chairman of the General Staff and the senior cadres from the Divisions and Independent Regiments. At these meetings, division commanders would summarize the activities of their divisions, focusing on internal and external enemy situations and actions taken to ensure security, and then the Chairman of the General Staff, SON Sen, would summarize the situation within the country and issue orders.
19. There were also smaller meetings between the General Staff and individual division commanders, some of which occurred in conjunction with the meetings of all division commanders and independent regiment commanders. In addition, there were a series of meetings devoted to organizational matters, like recruiting for the air force, deployment of the navy, increasing food production, cooperation with Chinese military trainers, and improving the defense of Phnom Penh.

20. The General Staff also provided logistical support to the RAK. For example, the General Staff contained a Logistics Committee that handled functions like vehicle repairs, weapons repairs, construction, ammunition storage, and transport. The General Staff monitored a variety of statistics related to the military, including food consumption, weapons allocations, and military equipment. It also advised on issues relating to food production. Finally, the General Staff was responsible for political education for division and regimental military cadre and carried out periodic General Staff study sessions which were attended by hundred of individuals from RAK units all over the country.

REGULAR, REGIONAL AND GUERILLA UNITS

21. The RAK was divided into three branches: “regular, regional, and guerilla.” The “regular” army was composed of divisions and independent regiments that reported directly to the General Staff. There were also “regional” divisions that reported to their respective Zone Committees and “regional” regiments that reported to their respective Sector Committees. The “guerilla” section of the RAK consisted of “chhlop” or local militia units that reported to District Committees. All levels of the DK military were under the command of CPK cadres at all times. The CPK leadership noted that “only the Party leads the army; no other organ or individual leads it.”
22. The “regular” RAK consisted, at various times, of between nine and eleven divisions (including divisions 164, 170, 290, 310, 450, 502, 690, 703, 801, 900, and 920) with three independent regiments (regiments 152, 377, and 488), as well as several offices (S-21, M-62 and M-63). S-21, a body primarily responsible for enforcing internal security, was considered to be part of the RAK for certain purposes. According to reports from the General Staff, the “regular” RAK units had between 60,000 and 65,000 personnel.
23. There were also a number of “regional” divisions located throughout Democratic Kampuchea. Regional divisions seem to have included: Division 1 in the Northwest Zone, Division 2, a division in the North Zone, Division 3 in the East Zone, Division 4 in the East Zone, Division 5 in the East Zone, Division 11, Division 12, Division 117 in the North Zone, Division 174 in the Central Zone, a division in Kompong Cham, and Division 335. There may have been other regional divisions.

24. In the “guerilla” branch of the RAK, “chhlop” or local militia provided security to Districts, sub-districts, villages, and cooperatives. These militia forces patrolled communes and the areas surrounding the communes in search of people who might have run away, spied on and investigated members of cooperatives to ensure there was no discontent or enemy activity, and acted as bodyguards to cooperative chairmen. Chhlop also functioned as executioners and were often called on by civil administrators and cooperative chairmen to kill people. People could be executed for minor errors or for being linked to a perceived traitor.

“REGULAR” DIVISIONS AND INDEPENDENT REGIMENTS

25. “Regular” RAK divisions and independent regiments reported directly to the General Staff. As noted above, senior division cadres met regularly with personnel from the General Staff, including SON Sen, to report on the activities that had taken place within their units and to receive additional orders from the General Staff. These meetings often focused on so-called internal and external enemy situations.
26. A standard RAK division was comprised of 3 regiments, with each regiment formed of 3 battalions. Standard independent regiments consisted of 3 battalions. In most cases, RAK divisions consisted of between five and six thousand personnel, while independent regiments had between 800 and 1,800 personnel. Regular RAK divisions had messenger, radio, and telephone units to facilitate communication inside the division, with other divisions, and with the CPK Center.
27. RAK divisions were responsible for external security, which meant protecting the borders of Cambodia. Ensuring DK’s external security also meant engaging in international armed conflicts with Vietnam and Thailand. RAK divisions were also responsible for internal security, which meant identifying “enemies,” “traitors” and other undesirable elements. Many of these personnel were sent to S-21, where they were executed. While the Central Committee formally authorized the General Staff to decide who to “smash” amongst RAK personnel, in practice it appears that senior division cadres often made the decisions about who to arrest and smash within their own division. Finally, RAK divisions were responsible for producing food.

ARMED CONFLICT

WITH VIETNAM

28. Beginning in April 1975, Cambodian and Vietnamese forces engaged in an armed conflict. This conflict resulted from border disputes between DK and Vietnam (after 2 July 1976, the Socialist Republic of Vietnam or “SRV”) and a belief among the leaders of DK that Vietnam wanted to occupy Cambodia and create an Indochinese Federation ruled by Vietnam. Intensive propaganda through Party magazines and speeches of senior CPK cadres accompanied the conflict. The scope and intensity of this conflict increased steadily over time and eventually led to a full-scale invasion of Cambodia by Vietnamese forces on 25 December 1978, which resulted in the collapse of the DK government.
29. The borders between Cambodia and Vietnam had been disputed, since at least the drawing of the Brevié Line in 1939. In addition, thousands of Vietnamese troops had been based in Cambodia during the 1960s and 1970s. In April 1975, an estimated 20,000 Vietnamese troops were still based in Cambodia. The DK government ordered these troops to leave DK in late April 1975. The DK government sent troops to border areas to ensure that Vietnamese forces left Cambodia, and some of the first armed clashes occurred in this context.
30. There were six main phases to the armed conflict with Vietnam. The first phase began in mid-1975 and continued through 1976, and was characterized by border clashes from Ratanakiri and Mondulakiri Provinces down to the Poulo Wai Islands, along with a maritime conflict over Koh Tral (Phu Quoc). In the second phase, from March to August 1977, the conflict spread south from Mondulakiri Province to Takeo Province, with particular intensity in Svay Rieng Province, and escalated with DK attacks into Vietnam’s Tay Ninh Province in August. The third phase lasted from September to November 1977, with Vietnamese forces attacking along the border in Kampong Cham, Prey Veng, Svay Rieng and Takeo Provinces using heavy weapons and a force of approximately 20,000 troops.
31. The fourth phase lasted from December 1977 until January 1978, when 11 Vietnamese divisions penetrated up to 25 miles into Cambodian territory before being repulsed by the RAK. During the fifth phase from February until September 1978, there were

repeated Vietnamese incursions into Takeo, Prey Veng and Kampong Cham Provinces and DK incursions into Vietnam's Chau Doc, An Giang, Kien Giang and Tay Ninh Provinces. The sixth and final phase began in September of 1978, with large scale Vietnamese raids into DK territory in early December 1978, and culminated in a massive invasion with 150,000 SRV troops on 25 December 1978 and the capture of Phnom Penh on 7 January 1979.

WITH THAILAND

32. Beginning by at least June 1975 and continuing until at least July 1978, Cambodian and Thai forces engaged in an armed conflict. The armed conflict was smaller in scope and intensity than the conflict between Cambodia and Vietnam, but was still marked by repeated uses of armed force over a broad geographic area and over a period of several years. There were repeated skirmishes between Thai and DK military forces all along the border between the two countries, as well as repeated clashes between Thai and Cambodian naval forces in waters off the Thai and Cambodian coasts. At times, minor border clashes occurred almost daily. At other times, the fighting was fierce and involved large numbers of troops as well as tanks, artillery, air strikes, and other heavy weapons.

THE COMMON CRIMINAL PLAN

33. A common criminal plan, or a joint criminal enterprise ("JCE"), came into existence on or before 18 August 1976 and continued at least until 6 January 1979. The object of this common criminal plan was to identify members of the Revolutionary Army of Kampuchea ("RAK") who were perceived to be enemies or traitors and to subject them to arbitrary arrest, unlawful detention, inhumane treatment, and, in many cases, torture and execution. The object of this common criminal plan also included the denial of fundamental rights, such as the right to liberty, security of person and property, due process rights, and the rights to freedom of opinion, expression, thought, and conscience to members of the RAK. This criminal plan was implemented through a series of purges that were planned and carried out by the RAK General Staff and the senior officers of the RAK Divisions and Independent Regiments.
34. Starting on or before 18 August 1976, a deliberate policy of the CPK and RAK came into being under which systematic discrimination was carried out against anyone in the RAK categorized as being "unclean," "disloyal," or "traitorous," due to real or

perceived opposition to the CPK or RAK. All bad elements were to be purged, so as to ensure the purity and cleanliness of the army and protect the revolution. Division secretaries and deputy-secretaries were under instructions to constantly monitor their divisions and to be on guard against enemies that “bore from within.” They were also ordered to continuously seek out the “biographies” of personnel so as to identify personnel to be purged.

35. Personnel were deemed traitors and arrested for various minor infractions including theft, sabotage, attempting to evade military duties, not following orders, or having liberal tendencies. Others were deemed traitors for activities that challenged CPK ideologies and policies such as questioning authority, not complying with ideals of revolution, and spreading discontent. Additional cadres were seen as suspect because of “entanglements” with relatives who had already been purged by the CPK.
36. Personnel deemed of low threat were removed from their divisions and transferred to re-education centers or production units and work sites. Once there, personnel were often subjected to inhumane conditions, starvation, and forced labor. Those perceived to be a serious threat or unable to be properly re-educated were “smashed.” Others were unlawfully detained at S-21 or other detention centers where torture, inhumane conditions, and executions were foreseeable consequences of detention. At no time during the Democratic Kampuchea was there a functioning judicial system, or any other legal mechanism through which those arrested and detained on suspicion of traitorous were given a fair trial. The purge of the RAK was part of a series of purges of internal enemies that the CPK instigated throughout Democratic Kampuchea.
37. Individuals who participated knowingly and willfully in the JCE during its duration include, but are not limited to, SON Sen, **MEAS Mut**, **SOU Met**, and others, including the Secretaries and Deputy-Secretaries of the RAK Divisions and Independent Regiments that reported to the General Staff. These individuals participated in the JCE as co-perpetrators, either directly or indirectly. **SOU Met** and **MEAS Mut** were aware of and knowingly participated in a systematic plan to unlawfully detain, forcibly transfer, subject to inhumane treatment, and execute RAK personnel across all military divisions, as reflected in the continuous and systematic purges within the RAK of undesirable elements. The suspects intended to and did further this systematic plan

through purges of their own units, thereby knowingly and willingly advancing the common purpose of the JCE.

38. Beginning on or before 18 August 1976, the JCE was discussed, encouraged, and planned by SON Sen, **MEAS Mut**, **SOU Met**, and others at a series of meetings of the General Staff. During a meeting for the Secretaries and Deputy-Secretaries of RAK divisions on 9 October 1976, SON Sen instructed the participants of the need to ensure that the RAK is “clean” and that the “enemy is unable to bore from within.” Cadres were instructed to do whatever they deemed necessary to rid the army of internal enemies. SON Sen repeatedly emphasized the necessity of purging “absolutely no-good elements” within each division.
39. In response, **SOU Met** proclaimed that he was “happy” and had “faith in the Party” to rid the RAK of traitorous links, and he expressed his agreement that the Party must “dare absolutely” to continue the purges. During the same meeting, **MEAS Mut** expressed his concern regarding the activities of traitors within the Party and declared himself “in total agreement and unity” with the common goal of eliminating bad elements within the Party. **MEAS Mut** gave his consent to do whatever was necessary to control the internal enemy situation. The other division commanders and deputy commanders present at the meeting also agreed to take part in the plan to purge the General Staff.
40. In subsequent meetings of the division secretaries and deputy secretaries, SON Sen gathered information on the progress of the internal purges and continued to encourage the division secretaries and deputy secretaries to purge the army of traitors or those with bad biographies. **SOU Met** and **MEAS Mut** were often present at these meetings and described their success in implementing the purge. In a telegram to Office 870 **MEAS Mut** confirmed his desire to purge bad elements and “sweep[] cleanly away” all enemies.
41. Each of the participants in the JCE acted individually or with other named or unnamed co-perpetrators to further the JCE using *de-jure* or *de-facto* authority. The suspects knew about and exercised effective control over the crimes committed by their subordinates due to their senior positions in the RAK, their role in a functioning

military chain of command, from attending high-level RAK meetings, and from monitoring the work of the subordinates under their command. SON Sen, **MEAS Mut**, **SOU Met**, and others committed the criminal acts described in paragraphs 43 to 66 by orchestrating and participating in the JCE in the ways set out herein, acting with the requisite intent as previously described. Their actions resulted in the deaths of thousands of RAK personnel across all divisions. Many more personnel suffered forced labor, unlawful detention and inhumane treatment.

CRIMES

42. The requested judicial investigation is not limited to the facts specified in paragraphs 43 to 66 below, but extends to all facts referred to in this Second Introductory Submission provided those facts assist in investigating: (1) the jurisdictional elements necessary to establish whether the factual situations specified in paragraphs 43 to 66 constitute crimes within the jurisdiction of the ECCC; or (2) the mode of liability of the Suspects named in this Submission.

S-21 SECURITY CENTRE

43. As described above in the section on Joint Criminal Enterprise, Secretaries and Deputy Secretaries of the RAK divisions agreed on a criminal plan to purge the RAK divisions that reported to the General Staff. This resulted in thousands of RAK personnel being sent to S-21 to be executed. An analysis conducted by the Office of the Co-Prosecutors of the prisoner lists from S-21 (“the Combined S-21 Prisoner List”) shows that more than 12,380 prisoners were imprisoned and then executed at S-21 or at Cheung Ek. At least 4,557 (37%) of these prisoners came from DK military units. There is evidence that RAK personnel were sent to S-21 from all of the RAK “regular” divisions, including Division 164, Division 170, Division 290, Division 310, Division 450, Division 502, Division 703, Division 801 and Division 920, and each of the independent regiments: Regiment 152, Regiment 377, and Regiment 488. Personnel from the General Staff were also purged and sent to S-21.

DIVISION 502

OVERVIEW OF CRIMES

44. Division 502 was created shortly after the fall of Phnom Penh in April 1975 by combining personnel from pre-existing units together. Generally, those who were sent to Division 502 were transferred because of their “good biographies” or acceptable

records. Those with “bad biographies” or who were viewed as having traitorous links were sent to work at the Kampong Chhnang airport construction site.

45. Division 502 personnel were subjected to the constant fear of arrest or execution. They were continually questioned by Division leaders about the existence of any traitorous connections, and they were not permitted to leave their unit or to communicate with anyone outside their own unit. Members of Division 502 who were identified as “bad elements” or implicated in confessions were monitored closely. Mistakes would be reported through the chain of command, after which those people committing the mistakes would be arrested. There was a “special forces” unit which reported directly to the commander of Division 502 and was responsible for security. It identified those who had made mistakes and arrested them. Those who were arrested never returned. Personnel who were accused of having traitorous links were sent away. Many were sent to S-21, where they were executed. As the purge within the Division continued, personnel were also sent to work at the Kampong Chhnang airport construction site or to dig ditches at S-24.

S-22 SECURITY CENTRE

46. Division 502 operated its own security center, which was known as S-22. Low level Division 502 personnel were taken to S-22 if they were accused of treason. Upon arrival at S-22, prisoners were shackled and placed in cells. Even the “light offenders” were beaten during interrogation. Rice rations were meager. The existence of a security center within Division 502 is corroborated by correspondence between senior cadres of Division 502 and KAING Guek Eav alias DUCH (hereafter DUCH), the Chairman of S-21. This correspondence refers to Division 502 personnel who had been arrested, imprisoned and interrogated at Division 502 prior to being transferred to S-21. DUCH has stated that the security centers throughout DK implemented the same system of interrogation and execution as S-21.

KAMPONG CHHNANG AIRPORT CONSTRUCTION SITE

47. Division 502 was responsible for the construction of a military airport near Krang Leav commune, Rolea P’ier district, Kampong Chhnang in the West Zone. The construction of the airport was undertaken on the direct orders of the CPK Standing Committee. The cadres in charge of the site came from Division 502, including the site commander who was named Lvey. Lvey, who reported directly to **SOU Met**, was a Member of the

Division 502 Committee and the third highest ranking officer in Division 502. The airport construction site functioned as a re-education or tempering site for DK cadres, and was used to supervise “bad elements” from the various RAK units.

48. Construction of the airfield began at least by 1977. The workers at the airport construction site came from every Zone. One DK soldier estimates that 27,000 workers were involved in the construction project. Another witness estimated the total work force as being equivalent to three divisions at any given time. Those sent to Kampong Chhnang were being punished for their allegedly traitorous connections, particularly links to the Vietnamese, and they were ordered to work hard in order to “refashion” themselves. Lower-level DK cadres who had been arrested were sent to Kampong Chhnang in accordance with the Party’s policy of “pull[ing] out the grass by the roots and all.”
49. In particular, there were large numbers of detainees from at least Division 11, Division 310, the North Zone and the East Zone. Shortly before the creation of Division 502, the leading cadres from Division 11 were arrested and accused of treason. Combatants from Division 11 who had no blemishes on their biographies were transferred to Division 502. Those who had blemishes were sent to Kampong Chhnang. Many members of Division 310 were sent to work at the Kampong Chhnang airport construction site following the purge of Division 310 in early 1977. Large numbers of North Zone troops who fought against Vietnamese forces in the East Zone were sent to Kampong Chhnang in mid-1978 on the basis that those who had survived the fighting with the Vietnamese must be traitors. Finally, thousands of East Zone soldiers were arrested after the death of East Zone Secretary SAO Phim and imprisoned at the Kampong Chhnang airport construction site in approximately April 1978. The division of East Zone troops at the airport construction site included children.
50. Workers at the construction site were forced to clear the ground, break rocks, dig out tree roots, lay stones, and spread concrete, all under constant surveillance. Women were often assigned the task of rice farming. All of the work was carried out by hand. The workday began at 7am and lasted until 11pm. Workers died daily due to “accidents” arising from the strenuous and unrelenting labor. Food rations were scarce. The most fortunate workers received up to two cans of gruel per day, though most received only one can per day and had to supplement their ration with palm tree seeds.

Workers were emaciated and in poor health. One witness describes the starved workers as having knees bigger than their heads. Workers were constantly pressured during meetings to work harder. Any worker who did not “refashion” himself, had made a mistake, or disobeyed the guards’ orders was immediately arrested. New workers arrived continually to replace those who were removed. Many workers died at the construction site because they were treated “like slaves.”

51. According to one soldier who was present at the construction site, the workers were subject to execution at any time. Those who did not work to the satisfaction of the guards were often executed in the forest just west of the airfield site. Hundreds of workers may have been executed there. In addition, workers were continually “sent away” for execution, often being taken in trucks to S-21 or other prisons. Many of those to be killed were taken to the District 14 Security Office in Toek Phos, at Krasang Doh Laoeng in Kbal Toek village. Soldiers at Prey Sar (S-24) observed recently-arrived Kampong Chhnang airfield workers being sent by truck to S-21 to be killed. Mass executions occurred as the Vietnamese approached the airfield construction site in 1979 and prisoners were removed from the site by the truckload. In particular, workers from the East Zone were killed en masse with the arrival of the Vietnamese.

DIVISION 164

OVERVIEW OF CRIMES

52. There is evidence that Division 164 personnel were subjected to frequent and arbitrary arrests and forced labor. For example, the commander of Division 164 reported on several occasions that internal enemies had been arrested. In addition, prisoner lists from S-21 indicate that numerous Division 164 personnel were arrested in the division before being sent away for interrogation and execution.
53. There was at least one major purge within Division 164. A regiment of soldiers from the East Zone had been sent from Phnom Penh to become part of the DK navy. It had 500 or 600 personnel and was led by an individual named DIM. From July until September of 1977, there were “problems” with the unit from the East Zone. Division 164 personnel were told during meetings that the East Zone regiment had intended to infiltrate the Division. The East Zone regiment was purged and people were taken away in trucks. At least some of those who were purged were sent to Wat Eng Tea

Nhien security center. DIM, who was Deputy Secretary of the Division, disappeared and other arrests took place.

54. In addition to the purge of those from the East Zone, those people who were identified as having former regime connections were sent away and may have been executed. Some people were called to meetings and never returned. As a result, the soldiers were scared of each other, especially when they were called to meetings with their superiors. There was a feeling of mistrust and paranoia.

WAT ENG TEA NHIEU SECURITY CENTRE

55. RAK documents and correspondence indicate that Division 164 operated a security center. Numerous documents indicate that arrests were made within the division, and that captured enemies were interrogated at the division. Further, one report describes an incident on 11 August 1976, in which two “traitorous combatants” killed several members of the division police and then released “all our detained people that had problems.”
56. The Division 164 security center was located at a site called Wat Eng Tea Nhieu, which is located in Kampong Som town. During the DK period, some of the buildings were destroyed and the site was used as a detention centre. A fence was erected 50 meters from the road to prevent people from approaching the site. The security center was used to hold personnel from Division 164 who had been purged. This included people from an East Zone regiment who were accused of trying to infiltrate the Division as well as others from the Division who were accused of treason or disloyalty. The detainees were held in a monastery at the site.
57. Witnesses who visited the site in 1979, after the end of the DK period, saw 50 or 60 sets of shackles in a monastery south of the Wat. There were also iron bars and blood on the walls of the monastery. In the early 1980s approximately 200 bodies were recovered from a burial site about 100 meters east of the Wat. The bodies were bound at the wrist and ankle with nylon rope. The evidence about the Wat Eng Tea Nhieu security center is consistent with DUCH’s testimony that security centers throughout DK implemented the same system of interrogation and execution as S-21.

STUNG HAV ROCK QUARRY

58. Division 164 operated a forced labour site at a rock quarry near Stung Hav in Kampong Som province. People who were considered to be “bad elements” or have “tendencies” were sent to Stung Hav. This included people whose relatives had been members of the previous regime. Workers, fishermen and members of the DK navy were sent to Stung Hav where they were forced to carry stones. There were approximately 100 people working at the quarry.

DK NAVY

59. The DK navy was responsible for aggressively defending waters claimed by the DK government against any intruders. In the process it sought to capture or destroy any Thai or Vietnamese vessels that entered waters claimed by the government, which resulted in a large number of clashes between Thai and DK naval forces in the waters off the coast of Thailand and Cambodia. The DK navy also attacked many Thai fishing vessels, killing or capturing the Thai fishermen.
60. A small number of the Thai fishermen who were captured were returned to Thailand, but reports indicate that many more Thai fishermen were detained by the DK navy. This appears to have been part of a larger policy of kidnapping Thai nationals in border areas. Some of these captured Thai fishermen were sent to S-21, where they were executed. One surviving S-21 prisoner list indicates that 31 Thai fishermen who had been arrested in Kampong Som were executed at S-21 on 24 May 1976. Several former S-21 guards also remember the detention of Thai nationals, including Thai fishermen, at S-21.
61. Nationals of other countries were also captured by the DK navy and sent to S-21. For example, at least four Westerners were captured by the DK navy in Cambodian waters and transferred to S-21, where they were executed. The DK navy also attacked Vietnamese vessels, and reported capturing “Vietnamese agents” at sea. One witness stated that “many” Vietnamese were arrested by the DK navy and sent to the Division 164 headquarters. A number of people described as “Vietnamese spies” and bearing Vietnamese names were sent to S-21 from Division 164 and from Kampong Som. At least some of the Vietnamese prisoners at S-21 were fishermen who had been captured while fishing in waters near the Vietnamese border. In addition, it appears that some of

the people who eventually confessed to being Vietnamese soldiers or Vietnamese spies were actually Vietnamese civilians captured by the DK navy. DUCH, the Chairman of S-21, has admitted that Division 164 had a role in sending captured Thai and Vietnamese fishermen to S-21 to be executed.

VIETNAM

62. Division 164 cadres commanded troops from other divisions during attacks into Vietnam in late 1977 and 1978. DK cadre attacked sub-districts, killing as many Vietnamese troops as possible and burning homes, hospitals, factories. Although they had no specific orders to kill ordinary Vietnamese people, many were killed. Captured Vietnamese, many of whom were children, were sent back to Division headquarters. There is some evidence that **MEAS Mut** accompanied Division 164 troops to the Northeast Zone to fight the Vietnamese.

DIVISION 801

PRISON 810

63. Division 801 operated its own security centers during the DK period. Initially, each regiment within Division 801 had a separate security center. During 1976, the Regiment 81 security center was located in Borkeo town, Borkeo District, Rattanakiri Province. However, at the end of 1977, the three regimental security centers were combined into a single Division-level security center, which was located in Veun Sai District, Rattanakiri Province, near the Division 801 headquarters. The Division-level security center was called Prison 810. Prison 810 housed approximately 100 detainees at a time and reported directly to SO Sarun, the commander of Division 801. Conditions at Prison 810 were similar to those in the previous regimental prisons.
64. At the end of 1976, Division 801 purged its members who had “connections” to the former Khmer Republic, usually because a relative had worked for the former regime. Those who were purged were arrested, imprisoned and then required to perform forced labour, including being forced to plow fields by hand without plows or draught animals. The prisoners were guarded during the day while they worked and then locked in cells at night. Those who made “mistakes” once they were in the security center would be handcuffed at night, starved, beaten and sometimes killed. It is not known how many people were killed at Prison 810.

OTHER RAK SECURITY CENTRES AND OTHER PURGE SITES

65. It appears that each Division operated its own security center, in addition to sending prisoners to S-21. The security centers of Divisions 502, 164 and 801 are described in detail in paragraphs 46, 55 to 57 and 63 to 64. However, based on the evidence concerning Divisions 502, 164 and 801, as well as the existence of a network of security centers throughout the DK regime, the Co-Prosecutors believe that the other RAK divisions also operated security centers that were used to carry out the purge.
66. In addition, the purge of the RAK was also conducted at other crime sites that are already part of the ongoing judicial investigation. For example, the Stung Tauch execution site in the East Zone was used to kill large numbers of East Zone soldiers. According to one witness, pits at Stung Tauch were full of the bodies of East Zone soldiers, who could be identified by their military uniforms, canteens, belts, and shoes made of rubber tires. It also appears that RAK members were purged during the Central Zone (the Old North Zone) purge, the New North Zone purge, and the East Zone purge.

SUSPECTS

67. The Co-Prosecutors have reason to believe that **SOU Met** and **MEAS Mut** committed the specific criminal acts described in paragraphs 43 to 66 of this Second Introductory Submission, which constitute offences under the ECCC Law.

SOU MET

PERSONAL DETAILS

68. Prior to 1970, **SOU Met** was a schoolteacher. During the period from 1970 to April 1975, he was the chairman of a CPK division. During the DK period, he was Secretary of Division 502 of the Revolutionary Army of Kampuchea. After the DK period, he remained a senior officer in the CPK's armed forces. He reportedly lived in Samlot for some period during the 1990s. Later, he defected to the Cambodian government and became part of the Royal Cambodian Armed Forces (RCAF). In 2006, he was transferred from Samlot to Battambang to become the Deputy Commander of RCAF Region 5. The Co-Prosecutors believe he was recently promoted to become Commander of RCAF Region 5 and is also an "advisor" to the Chief of the RCAF

General Staff. He is believed to be a two-star general in the RCAF. **SOU Met** may also be known as **SOU Samet**.

LEGAL AND FACTUAL AUTHORITY

69. **SOU Met** was the commanding officer (known as the Secretary) of Division 502 of the RAK, which was based at Pochentong airport, just outside of Phnom Penh. He was Secretary of Division 502 from at least January 1976 until at least April 1978, but it is believed that he was, in fact, Secretary from approximately June 1975 until after January 1979.
70. **SOU Met** was a member of the Assisting Committee of the Central Committee of the CPK. This was one of the four “superior echelons” of the CPK, and only the Standing Committee and the Central Committee were higher in the CPK hierarchy. The members of the Assisting Committee had “political responsibilities” within the CPK and were entitled to receive training at Office 870 with Central Committee Members. **SOU Met’s** political responsibilities included: (1) implementing the Party line throughout the country; (2) instructing the Zone and Sector committees to carry out activities in accordance with the Party line; (3) governing and arranging cadres and Party members throughout the Party and all core organizations by “constantly, clearly and closely grasping personal histories, political, ideological and organizational stances”; and (4) acting in the name of the Party in contacts with other Marxist-Leninist parties.
71. Division 502 was created shortly after the fall of Phnom Penh in April 1975 by combining personnel from various pre-existing units together. It answered directly to the RAK General Staff, which was commanded by SON Sen, alias Brother 89. SON Sen was a member of the Standing Committee of the Central Committee of the CPK, the highest body within the CPK and the government of Democratic Kampuchea. **SOU Met** exercised some influence over the General Staff, and was said to have become SON Sen’s *de facto* “Number 2”.
72. Division 502 was one of 10 RAK Divisions that reported directly to the General Staff. A standard RAK Division was comprised of 3 regiments, with each regiment formed of 3 battalions. However, perhaps because Division 502 also functioned as the DK Air

Force, it appears to have had at least 15 battalions divided amongst 2 or more regiments. The size of Division 502 varied over time, but usually seemed to be approximately 5,500 personnel. It had at various times 5,511, 5,543, 5,592, 5,684 and 6,387 personnel.

73. **SOU Met** had various duties, including:

- a. **SOU Met**, as commander of Division 502, was responsible for the RAK air force.
- b. **SOU Met**, as commander of Division 502, was responsible for a series of radar installations. These installations were located at various places in Cambodia, including Bokor and Pochentong, and monitored air traffic over Cambodia, Thailand and Vietnam.
- c. **SOU Met**, as commander of Division 502, was responsible for various anti-aircraft installations. Division 502 maintained an anti-aircraft technical school at Pochentong airport, and the anti-aircraft detachment was based south of the airfield near Voat Chaom Chav and Voat Kok Anchanh.
- d. **SOU Met**, as commander of Division 502, was responsible for security in parts of Phnom Penh and the surrounding area, including near the airfield at Pochentong. The Division's area of operations in Phnom Penh included Tuol Tampoung, from which division personnel could see S-21.
- e. **SOU Met**, as commander of Division 502 and head of the RAK air force, was responsible for the construction of a military airport near Krang Leav commune, Rolea P'ier district, Kampong Chhnang in the West Zone.
- f. **SOU Met** commanded Division 502's "special forces" unit, which was responsible for security and for arresting Division 502 personnel.
- g. As commander of Division 502, **SOU Met** was responsible for the operation of the division's prison, codenamed S-22, which was located in front of the Toek L'al School at Au Baek K'am.

- h. As the commander of Division 502, **SOU Met** was responsible for purging the division of undesirable elements as part of a broader purge of the entire RAK. He contributed to the common criminal plan by identifying, arresting and transferring suspected “traitors” from Division 502 to S-21. More than 800 personnel from Division 502 were sent to S-21.
74. **SOU Met** as Secretary of Division 502 commanded, directed and otherwise exercised effective control over the various units within Division 502, which were involved in the perpetration of the crimes described above.

PARTICIPATION AND KNOWLEDGE

75. In addition to his legal and factual authority as Secretary of Division 502, **SOU Met** also had specific knowledge of and directly participated in the crimes described above. His participation and knowledge is described below.
76. As part of a common criminal plan to purge the RAK of undesirable elements, **SOU Met** arrested Division 502 personnel and sent them to S-21, where they were tortured and eventually executed. **SOU Met** participated personally in various aspects of this purge. In particular, he corresponded regularly with DUCH, the commander of S-21:
- a. **SOU Met** wrote to DUCH on 1 April 1977 to explain why four people had been sent to S-21 from Division 502 during the preceding two days. All four had been implicated in the confession of Saom of Office 62, the administrative office of the General Staff. **SOU Met** finished his letter by noting that he was waiting for advice from Angkar before taking action against the remaining people named in Saom’s confession.
 - b. **SOU Met** wrote to DUCH on 30 May 1977 about his transfer of prisoners to S-21. In his letter, **SOU Met** notes that: 1) he had already sent the group from “Unit 25” on 25 May 1977; 2) he had sent a further 25 people at some point in the recent past; 3) he had sent 2 “traitors” on 29 May 1977; 4) he will send 4 people at 19:00 hours on 30 May; and 5) he will send seven more people at 22:00 hours on 30 May. He ends his letter by requesting that DUCH send him the confession of

“Mao,” which he had asked for earlier, so that he can continue to search for enemies.

- c. In response to his letter to DUCH of 30 May 1977, **SOU Met** appears to have received the confession of Mao because his letter to DUCH dated 1 June 1977 indicates the transfer to S-21 of an individual named SUN Heng, who had been implicated by the confessions of Mao, Saom and Pang.
- d. **SOU Met** wrote a second letter to DUCH on 1 June 1977, in which he proposed sending 3 more people to S-21. He indicated that one of them, Lay Chea, was the brother of Lay Try, who **SOU Met** had already arrested and sent to S-21. At the end of the letter, **SOU Met** notes that he had had them arrested some time before but that they had failed to confess clearly.
- e. **SOU Met** wrote to DUCH again on 2 June 1977 in order to transfer 3 more people to S-21. Two of these individuals had been implicated in the confessions of former members of Division 310. The third person, KIM Vik, was alleged to have been a former musician from Phnom Penh. The letter states that, even though KIM Vik had not been implicated in any confession, **SOU Met** had examined him personally and concluded that he was an “enemy.”
- f. **SOU Met** wrote to DUCH on 28 July 1977 to transfer a prisoner named Saem, described as the Secretary of a Company from Battalion 512, to S-21. Less than two weeks later, **SOU Met** wrote back to DUCH to request Saem’s confession. Apparently, Phal, **SOU Met’s** assistant, had been implicated in an earlier confession, and **SOU Met** wanted to know whether Saem had also implicated Phal.
- g. **SOU Met** wrote to DUCH on 3 October 1977 to propose the transfer of 2 more people to S-21. **SOU Met** noted that both individuals had undergone training overseas.

- h. On 4 October 1977, **SOU Met** wrote to DUCH to send 3 more people to S-21. All were noted as having gone abroad. Two are noted as having come from Division 310.
 - i. In addition, at least four S-21 confessions indicate that copies of the confessions were sent to **SOU Met**.
 - j. In total, more than 800 personnel from Division 502 were sent to their deaths at S-21. **SOU Met** has admitted that he was aware that personnel from S-21 came to Division 502 to “pick up suspects” but denies his involvement in the arrests.
77. While some of the Division 502 personnel who were arrested were sent to S-21 for interrogation, others were arrested and interrogated at Division 502. **SOU Met** was aware that these interrogations took place because he signed several of the reports in which they are discussed:
- a. **SOU Met** signed a report on the “confession of a person named HAM Hang,” which indicated that HAM Hang had “confessed” after his arrest to having planned to “smash the revolution.” The report finishes with the conclusion of Regiment 51 of Division 502 that HAM Hang “is an enemy.”
 - b. **SOU Met** signed a report on the confession “of HEM Phi about his arrest,” which indicated that in his “confession following his arrest,” HEM Phi admitted to planning to attack military bases in Phnom Penh. The report finishes with the conclusion of Regiment 51 of Division 502 that HEM Phi and his “partisans are all really enemies.”
 - c. San, the Deputy Secretary of Division 502, signed a report on “the responses of Ov Pring,” who was “interrogat[ed]” after his arrest for allegedly planning to “conduct[] a demonstration . . . to oppose the revolution.” As a result of his interrogation, he named 33 people as his accomplices in the plan.

- d. **SOU Met** signed a report on the arrest of two persons near the Pochentong airport. They were caught trying to steal food to eat and confessed in their “responses” that they were part of a movement to oppose the revolution.
 - e. In a letter to DUCH, **SOU Met** proposed the sending of two individuals to S-21. In the letter, he acknowledged that he had had them arrested some time ago, but that they had failed to confess clearly. This suggests that one reason a prisoner could be transferred to S-21 was that the interrogators at Division 502 could not obtain a satisfactory confession.
78. In January 1976, **SOU Met** authored a report describing the statistics of the forces of the Second Air Battalion of Division 502. The list noted that nine members had to be “taken out,” four of which had been identified as “no-good elements.”
79. Division 502 operated a prison, codenamed S-22, which was located in front of the Toek L'al School at Au Baek K'am. **SOU Met** knew about the conditions at the prison because he visited it on at least one occasion. **SOU Met** knew that Division 502 personnel were being arrested because he wrote several reports in which arrests were described. **SOU Met** was also aware that his subordinates were arresting people from other units who entered Division 502's assigned territory in and around Phnom Penh.
80. Conditions at the Kampong Chhnang airport construction site were unlawful. Prisoners were subjected to unlawful detention, forced labour, inhumane conditions and arbitrary arrests and executions. **SOU Met** knew about these conditions because he visited the airport construction site periodically to monitor the construction process. He was also aware of conditions at the site because Lvey, the Division 502 officer in charge of the airport construction site, reported directly to **SOU Met**.

MEAS Mut

PERSONAL DETAILS

81. **MEAS Mut** was born KHE Mut in either Takeo province or Kampot province. He is the eldest son-in-law of CHHIT Chhoeun alias Ta Mok, former Secretary of the Southwest Zone from April 1975 to January 1979. **MEAS Mut** was Deputy Secretary of Sector 13 in the Southwest Zone from 1970 until 1973. In 1973, he was appointed

Secretary of Division 3 of the Southwest Zone. During the DK period, he was the Secretary of Division 164 of the RAK. After the DK period, **MEAS Mut** remained part of the CPK until 1999, when he defected to the Cambodian government. At that time he became an “advisor” to the Ministry of Defense. Today, **MEAS Mut** lives in a “large wooden house” on the outskirts of Samlot district town. The Co-Prosecutors believe that he continues to be an advisor to the Ministry of Defense and holds the rank of a two-star general in the RCAF.

LEGAL AND FACTUAL AUTHORITY

82. **MEAS Mut** was the Secretary of Division 164 of the RAK, which was based in Kampong Som, Ream and Kampot. He was Secretary of Division 164 from at least January 1976 until at least April 1978, but it is believed that he was, in fact, Secretary from shortly after April 1975 until January 1979.
83. In addition to his role as Secretary of Division 164, **MEAS Mut** was either a member of the Central Committee of the CPK or a member of the Assisting Committee of the Central Committee of the CPK. In either case, he was a member of one of the four “superior echelons” of the CPK, and only the Standing Committee was higher in the CPK hierarchy. The members of the Assisting Committee had “political responsibilities” within the CPK and were entitled to receive training at Office 870 with Central Committee Members. **MEAS Mut**’s political responsibilities included: (1) implementing the Party line throughout the country; (2) instructing the Zone and Sector committees to carry out activities in accordance with the Party line; (3) governing and arranging cadres and Party members throughout the Party and all core organizations by “constantly, clearly and closely grasping personal histories, political, ideological and organizational stances”; and (4) acting in the name of the Party in contacts with other Marxist-Leninist parties.
84. Division 164 was one of the 10 Divisions of the RAK, and reported directly to the RAK General Staff, which was commanded by SON Sen, alias Brother 89. Division 164 appears to have had at least 12 battalions divided amongst 5 or more regiments. The size of Division 164 varied over time and was larger than a normal division, with 8,500 to 10,000 personnel at various times.

85. The Revolutionary Flag of the CPK reminded RAK personnel to take pre-emptive purge measures in order to defend the country and its land and sea borders. In particular, the Revolutionary Flag ordered personnel to maintain a firm grasp politically, ideologically and organizationally on matters within the Party and the RAK. **MEAS Mut**, as Secretary of Division 164 and commander of the Navy, had knowledge of CPK and RAK policies, and had the duty to train his staff accordingly in order to strengthen the spirit of the army.

86. **MEAS Mut** had various duties, including:

- a. **MEAS Mut**, as Secretary of Division 164, was commander of the DK Navy. He was responsible for defending Cambodia's coast, including the towns of Kampong Som, Ream and Kang Keng, and all off-shore islands claimed by the DK government.
- b. **MEAS Mut**, as Secretary of Division 164, was responsible for patrolling the Cambodian coastline and islands, and he regularly reported on the operations of the DK Navy to SON Sen and other senior leaders of the CPK. In particular, **MEAS Mut's** forces were responsible for capturing or destroying any Thai or Vietnamese vessels that entered Cambodian waters.
- c. **MEAS Mut**, as Secretary of Division 164, was responsible for security within the Division and the other areas under his control. In particular, he had responsibility for purging undesirable elements and alleged traitors from Division 164 as part of a broader purge of the RAK. As Secretary of Division 164, he was also responsible for the security center operated by Division 164 at Wat Eng Tea Nhien.
- d. Beginning in 1975, **MEAS Mut** also controlled Kampong Som town. In this capacity, he had control over administrative functions in the area, including transportation, food control, and farming. The only functions in Kampong Som not under the control of Division 164 were the port and the railway. Military meeting minutes show that up to 17,000 civilians and division personnel were under his control and participated in farming on the mainland and on several coastal islands between 1975 and 1978.

- e. **MEAS Mut**, as Secretary of Division 164, was responsible for the operation of a forced labour site at a rock quarry in Stung Hav.
- f. **MEAS Mut**, as Secretary of Division 164, attended and participated in regular General Staff meetings where the Secretaries and Deputy Secretaries of the “regular” RAK Divisions and Independent Regiments discussed internal and external enemy situations, agricultural production and logistical issues.
- g. **MEAS Mut**, as Secretary of Division 164, met with and received direct instructions from the highest leaders of DK and the CPK. He, or one of his subordinates acting as a representative of Division 164, met regularly with SON Sen and the other Division Secretaries. He also corresponded directly with SON Sen and with Office 870. On 3 August 1976, he met with Comrade Secretary (POL Pot) and other senior leaders, including VORN Vet and SON Sen to discuss defense measures and other logistic matters.
- h. **MEAS Mut**, as Secretary of Division 164 and as commander of the RAK Navy, received regular updates from his subordinates on security issues along the coast and within the division. This correspondence was frequently forwarded to **NUON Chea**, Son Sen, and Office 870. **MEAS Mut’s** opinion and advice on security and training for Division 164 was sought through telegrams.

PARTICIPATION AND KNOWLEDGE

- 87. In addition to his legal and factual authority as Secretary of Division 164, **MEAS Mut** also had specific knowledge of and directly participated in the crimes described above. His participation and knowledge is described below.
- 88. **MEAS Mut** frequently attended General Staff meetings of the Secretaries and Deputy Secretaries of the “regular” RAK Divisions and Independent Regiments where the purging of RAK Divisions was discussed. During one particular meeting on 9 October 1976, SON Sen emphasized the need to ensure that the army is “clean” and that “traitorous links” be swiftly removed. Thirteen RAK Secretaries and Deputy Secretaries voiced their approval of this plan, including **MEAS Mut**, who noted that

the plan to purge the army was a “great victory for [the] Party,” and that it was “imperative to dare absolutely to conduct purges.”

89. **MEAS Mut** knew about and participated in the purging of Division 164:
- a. On 11 June 1976, **MEAS Mut** reported to SON Sen that he had intercepted a letter from an unknown member of Division 164 who apparently opposed Angkar and wanted to escape from the division. **MEAS Mut** requested SON Sen’s advice on how to handle the matter and noted that he was trying to determine the source of the letter based on the author’s handwriting.
 - b. In a telegram to SON Sen on 13 August 1976, **MEAS Mut** reported that “all our detained people that had problems” were released by two Division 164 combatants. During an RAK meeting on 31 August 1976, either **MEAS Mut** or his representative indicated that detained members of Division 164 had been released by two “traitorous combatants.”
 - c. In a directive sent from SON Sen to Division 164 on 4 November 1976, SON Sen provided instructions to **MEAS Mut** to keep recent arrests secret.
 - d. **MEAS Mut** indicated at a meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments on 1 March 1977 that one platoon of his division had already been “purged,” stated that traitors still remained and indicated that the purge had not been sufficient to eliminate the enemy threat.
 - e. The Deputy Secretary of Division 164 sent a telegram to **MEAS Mut** saying “We have taken measures against the enemies whom you, brother, had decided and who fled into the jungle. Now the five people have already been arrested.”
 - f. In a telegram to Office 870 on 31 December 1977, **MEAS Mut** wrote that those in the Navy have a duty to “sweep[] cleanly away and without half-measures” all enemies of the army, including internal enemies. As commander of the Navy, **MEAS Mut** vowed to “be in total unity within the Party.”

90. As part of the purge of Division 164, **MEAS Mut** arrested Division 164 personnel and sent them to S-21, where they were detained, tortured, and eventually executed. Nearly 400 personnel from Division 164 were arrested and sent to Office S-21 by **MEAS Mut**. DUCH, the Chairman of S-21, has testified that the decision to send personnel to S-21 was usually taken jointly by SON Sen and the chief of the arrestee's unit. Various documents demonstrate that **MEAS Mut** knew about and participated in the transfer of personnel to S-21:
- a. The cover page of the S-21 Confession of HANG Doeun alias Dim, Deputy Secretary of Division 164, bears an annotation that states, "I would invite Comrade Mut to examine it collectively."
 - b. The S-21 Confession of KUN Dim, Commander of Battalion 141 in Division 164, bears a handwritten notation on the front page of the document signed by SON Sen on 10 September 1977. The note says, "Contact **MEAS Mut** so that he can take additional measures."
 - c. The S-21 Confession of PEN Ham, Secretary of Battalion 170 of Division 164, dated 25 May 1977, bears an annotation on the front page that says: "relates to Comrade **MEAS Mut**" and "for Comrade **MEAS Mut**'s side."
91. **MEAS Mut** must have been aware of the transfer of Division 164 personnel to S-21 because a large number of the most senior officers of Division 164 were arrested and sent to S-21. Perhaps the most prominent Division 164 officer to be arrested was HANG Doeun alias Dim, Deputy Secretary of Division 164 and **MEAS Mut**'s direct subordinate. Other senior officers arrested and sent from Division 164 included: MEN Nget, Member of Division 164; MOM Chim alias Yan, Member of Division 164; SAM, the Commander of Regiment 140; SANN Seab alias Sam, Deputy Secretary of Regiment 62; SEK Pheang, Commander of Battalion 143; CHOEK Sreng, Secretary of Battalion; KORNG Kien alias OENG Vet, Secretary of Battalion 631; KUNG Sien alias San, Secretary of Battalion 140; PEN Ham, Secretary of Battalion 170; NOP Norn, Secretary of Battalion; KUN Dim, Commander of Battalion 141; KUONG Sean alias San, Secretary of Battalion 142; CHHUN Lun alias At, Deputy Secretary of

Battalion 165; IENG Song alias Sreang, Member of Battalion 142; and NGUON Lak alias Sarath, Member of Battalion 170.

92. **MEAS Mut** has stated that the “top leaders” of the RAK sent him letters requesting that members of Division 164 be sent out of his zone. **MEAS Mut** admitted that he always complied with the requests, but claimed that he did not know what happened to his staff after he sent them away. **MEAS Mut** recently acknowledged that he knew that members of his division were sent to S-21. He stated that DUCH issued arrest warrants for Division 164 personnel and arranged for those arrested to be transported to S-21.
93. Division 164 arrested numerous Vietnamese, Thai, and other foreigners along the Southwest border of Cambodia. **MEAS Mut**, as commander of the DK Navy and Division 164 had knowledge of these arrests, as indicated in numerous reports sent by **MEAS Mut** to POL Pot, **NUON Chea**, **IENG Sary**, and SON Sen:
 - a. **MEAS Mut** reported via secret telephone on 1 April 1978, to POL Pot, **NUON Chea** and **IENG Sary** about the arrest and execution of 120 Vietnamese and the delay in releasing Thai arrestees during the period between 27 and 30 March 1978.
 - b. **MEAS Mut** made a confidential telephone report to SON Sen on 20 March 1978, about the arrest of 76 Vietnamese and 21 Thais and the capturing of two Vietnamese boats. He stated that the Vietnamese arrested were of all ages and sexes, and that two fell into the water, despite having been tied up. **MEAS Mut** reported on the shooting of a Vietnamese motor-driven boat at a distance of one kilometer south of Koh Khyang. In the report, **MEAS Mut** also described the situations on several other islands.
 - c. **MEAS Mut** made a confidential telephone report to SON Sen on 11 August 1977 regarding the arrest of four Thai boat people within Cambodia. The five arrestees were brought to Kampong Som for further interrogation. SON Sen received the report and then forward to ‘Angkar’ for information with an annotation requiring greater search of ‘traitorous strings’ from within. SON Sen also explored possible

entry points that the Thai arrestees might have passed through and the situation of other traitors at border entries.

- d. **MEAS Mut** gave a report at a Meeting of Secretaries and Logistics of Divisions and Independent Regiments on 19 September 1976, stating that hundreds of Thai fishing boats were encroaching on Cambodian territorial waters and that one fishing boat had been captured on 11 September. It was also stated that Navy was preparing to fight the Vietnamese, should they approach too close.
94. **MEAS Mut** may also have played a role in the purge of ACHAR Kang and his associated links. On 19 October 1976, **MEAS Mut** sent a hand written letter to SON Sen that ACHAR Kang's wife had sought treatment at Division 164. ACHAR Kang had already been executed and purged. SON Sen received the report and forwarded to **NUON Chea** accompanying with an annotation requesting the latter to help search for the persons named Chheng and Bân who were involved in the case.
95. **MEAS Mut** visited the Stung Hav area on several occasions to oversee the construction work on a road. He sometimes stayed overnight with the Chinese technicians who were helping with the construction. As a result, he would have known about the Stung Hav forced labour site.

ALLEGED OFFENCES

96. The Co-Prosecutors have reason to believe that the suspects **SOU Met** and **MEAS Mut** committed the offenses described in paragraphs 43 to 66 of this Second Introductory Submission, which are legally characterized below in paragraph 99. We are satisfied that, from at least June 1975, **SOU Met** and **MEAS Mut** were senior leaders during the Democratic Kampuchea period and / or persons most responsible for the crimes described. **SOU Met** and **MEAS Mut**, either individually or together, planned, instigated, ordered, aided and abetted or committed these crimes. They directly intended that these crimes be committed or at least had the awareness of the substantial likelihood that the crimes would be committed in the execution of their plans, instigation, orders or assistance.

97. Where **SOU Met** and **MEAS Mut** committed these crimes they did so individually or by participating in a JCE with other co-perpetrators identified in paragraphs 33 to 41 of this Submission. These crimes were the object of the JCE or alternatively the natural and foreseeable consequences of the JCE. Other members of the JCE acted on the basis of the common purpose, with shared intent.
98. **SOU Met** and **MEAS Mut** were also responsible for these crimes as superiors of the subordinates that committed them. **SOU Met** and **MEAS Mut** had effective authority and control over their subordinates, and knew or had reason to know that their subordinates were about to commit such acts or had done so and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.
99. The Co-Prosecutors therefore have reason to believe that **SOU Met** and **MEAS Mut** participated in the following crimes namely:
- (1) crimes of Imprisonment, Enslavement, Inhumane Acts, Torture, Murder, Extermination, Persecutions on political, racial and religious grounds and Other Inhumane acts, these acts being committed as part of a widespread or systematic attack directed against a civilian population. These acts constitute **CRIMES AGAINST HUMANITY**, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law;
 - (2) crimes of Unlawful Confinement of Civilians, Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial, Inhumane Treatment, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Torture and Wilful Killing. These acts constitute **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949**, punishable under Article 6, 29 (new) and 39 (new) of the ECCC Law;
 - (3) crimes of Torture and Homicide, violations of the **1956 PENAL CODE** (Articles 500, 501, 503, 504, 505, 506, 507 and 508), punishable under Article 3 (new), 29 (new) and 39 (new) of the ECCC Law.

100. We are satisfied that the requisite conditions for the arrest and provisional detention of the suspects **SOU Met** and **MEAS Mut** as set out in the ECCC Internal Rules 42 and 63 are met for the following reasons:

- (1) this Submission provides well founded reasons to believe that **SOU Met** and **MEAS Mut** have committed the crimes specified in this Submission. The evidence collected during the Co-Prosecutors' preliminary investigations, including witness and documentary evidence supports the likelihood that **SOU Met** and **MEAS Mut** will be convicted of the crimes specified herein and punished according to ECCC law.
- (2) **SOU Met** and **MEAS Mut** have the ability and economic means to flee the country and/or otherwise evade justice. As noted above in paragraph 68, **SOU Met** is a senior member of the RCAF and is currently Commander of RCAF Region 5, near the Thai border. As noted above in paragraph 81, **MEAS Mut** is a high-level "advisor" to the Ministry of Defense and a very wealthy individual. The Suspects are aware that the ECCC has been established and that they are potential targets of a judicial investigation. Owing to the severity of the crimes committed and the likelihood that **SOU Met** and **MEAS Mut** would receive lengthy sentences for those crimes, there is a danger of them fleeing from justice and not making themselves available for trial.
- (3) owing to the senior positions that **SOU Met** and **MEAS Mut** have occupied in the past, the positions and authority they continue to wield, 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 they not be arrested and detained. This is also supported by the fact that few witnesses of the crimes committed are still alive. Furthermore, as the statements made by witnesses can be considered "evidence" within the meaning of Internal Rule 63 (3) (b) (ii), any pressure or intimidation exerted on witnesses or victims must be considered destruction of evidence.

(4) 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 **SOU Met** and **MEAS Mut** be arrested and detained so that the proceedings are not affected and to ensure their security and preserve public order.

101. We request that the Co-Investigating Judges 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 Submission, the accompanying case file and any other material provided therewith. The reasoning and scope of the measures requested are as stipulated in the First Introductory Submission, paragraphs 119 to 121. We ask that the measures requested in the First Introductory Submission are implemented in full regarding the investigation into **SOU Met** and **MEAS Mut**.

REQUEST

The Co-Prosecutors request the investigation, arrest and provisional detention of **SOU Met** and **MEAS Mut** for their participation in the charges alleged in this Submission and further request that protective measures as described above be granted in accordance with Internal Rule 29.

