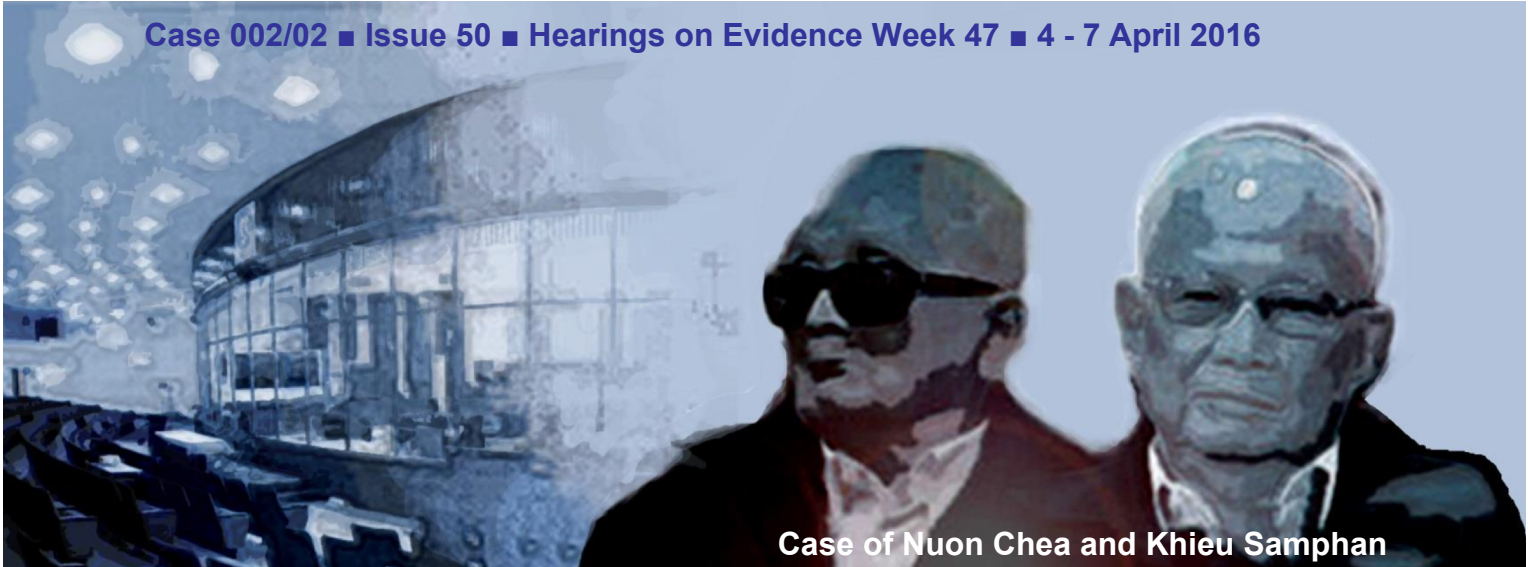


KRT TRIAL MONITOR

Case 002/02 ■ Issue 50 ■ Hearings on Evidence Week 47 ■ 4 - 7 April 2016



Case of Nuon Chea and Khieu Samphan

A project of East-West Center and the WSD HANDA Center for Human Rights and International Justice at Stanford University
(previously known as the UC Berkeley War Crimes Studies Center)

*"Initially you want me to take an oath,
now you want me to speak untrue... I did not know Mat Ly at the time.
What else do you want me to say?"*

- Witness Sos Kamry

I. OVERVIEW

This week hearings were repeatedly delayed due to the consistent refusal of Witness Sos Kamry, the chairman of the Highest Council for Islamic Religious Affairs, to testify before the Trial Chamber. On Monday and Tuesday mornings the President announced that this Witness had refused to come to the court and the judicial police were requested to bring him in against his will. Documents subsequently published on the court website reveal that this witness has refused to appear since September 2015.¹ Sos Kamry finally testified on Wednesday 6 April, covering topics on the treatment of the Cham, purges and the reason for his reluctance to appear. The Defense for Nuon Chea objected to the Witness's decision to take a non-religious affirmation rather than an Islamic oath prior to testifying and repeatedly referred to his testimony as "unsworn evidence." On Thursday, the Phan Van appeared via video link as the final witness to testify on the Phnom Kraol Security Center. Phan Van is the son of former Sector 105 Leader Ta Ham, alias Laing, and previously testified in 2012 in Case 002/01.²

II. SUMMARY OF WITNESS TESTIMONY

This week the Trial Chamber completed the testimonies of two witnesses, first: Sos Kamry testified on the treatment of the Cham during the Democratic Kampuchea regime, and second: Phan Van testified on Phnom Kraol Security Center.

A. Summary of Testimony by Witness Sos Kamry

Witness Sos Kamry, also known by his Islamic name of Kamaruddin Bin Yusof, appeared in court to testify on the treatment of the Cham on Wednesday, after refusing to appear on both Monday and Tuesday.³ Sos Kamry is currently both the highest-ranking Islamic leader in Cambodia and an *oknha*; a title bestowed by the state upon individuals who have given a donation of \$100,000 that benefits the state or greater good.⁴ Sos Kamry's testimony mainly focused on the targeting and arrests of Cham people during the Democratic Kampuchea (DK)

regime, including restrictions placed on the Cham and his knowledge of the number of the Cham people who died during the regime.

1. Witness's Background and Role as a Teacher

Witness Sos Kamry was born in 1950 at Akmok Village, which was also known by the name of Speu Village, in Cheyyou Commune, Chamkar Leu District, Kampong Cham Province. He said that he was raised and educated in an Islamic education system, and said that in 1973 he began teaching the children in Akmok both Khmer literature and Islamic morality. He said that after the KR arrived in his village sometime prior to 1975,⁵ he was allowed to continue teaching however had to stop all religious teaching because this was prohibited by the new regime. In 1977 he made a request to move to a village called Cheyyou, because he feared for his life. He said that in Cheyyou he taught Khmer to Khmer children, and also oversaw their work in the fields picking worms. He said that he moved to Cheyyou alone, and his wife and two daughters remained in Akmok. The Witness did not elaborate on why he did not also fear for the lives of his wife and two children who remained in Akmok Village, or why the Village Chief accommodated his request to move villages. Sos Kamry said that he returned to Akmok Village in early 1978 to be with his family, at which time he was instructed to stop teaching and instead given the task of transporting firewood and measure land at nearby Au Nong Village.

2. Restrictions on the Cham after the Khmer Rouge arrived in Akmok Village

According to the Witness, after KR forces arrived in Akmok village sometime prior to the fall of Phnom Penh, the Cham community experienced a range of restrictions on their traditional lifestyles. He recounted how all Cham people, including children, had been assigned to work in rice fields or on plantations. They said that Cham people were forced to dress as the Khmer people did, collective eating was introduced, and that “no one could avoid” eating pork, no matter their religion. He added that the community was forbidden from openly speaking the Cham language and practicing their religion. Women were required to have short hair, religious leaders in the villages were removed from their positions, mosques were destroyed or used as storage facilities, and copies of the Muslim holy book the Koran were burned. Sos Kamry testified that these new regulations were announced at a meeting in the village held by the KR. Interestingly, Sos Kamry stated that although Cham religious leaders were not allowed to continue in their positions, they were not targeted by the KR regime in any other way. When asked about marriages of Cham people during the DK regime, the Witness testified that Cham people were allowed to marry other Cham people, but that the ceremonies were non-religious and were arranged on the instruction of *Angkar*.

3. Knowledge of a DK Plan to Target the Cham

A prior interview of the Witness conducted by Ysa Osman of DC-Cam, in which Sos Kamry said he had seen a document explicitly outlining plans to eliminate the Cham population, has been the subject of much debate in the Chamber throughout the segment on the treatment of the Cham.⁶ Sos Kamry told the Chamber that this book had contained specific instructions regarding the targeting of Cham people. Initially, the Witness said he could not recall specific details such as the book's length or title due to the length of time passed, however, his memory was refreshed by Defense for Nuon Chea and Sos Kamry was then able to confirm that the book had been called “The Plan for Progressive Cooperatives” and was rather thin.⁷ He said that he attended an office with three colleagues in Au Nong while he was measuring land sometime in late 1978, at which time the office chief was not present, and so he asked a messenger for something to read while he waited for the office chief to return. Sos Kamry said “The Plan for Progressive Cooperatives” was among the books he was given to read, and that it explicitly outlined a plan to target and destroy the Cham population. When questioned by the defense teams about why he was allowed to be present in an office without the presence of a chief, or why he had been allowed to read CPK materials, the witness offered no explanation.

Ms Guisse also questioned the Witness on why he had chosen not to warn any of his Cham friends about the existence of this plan, if he had really read it in 1978, but the Witness also offered no explanation.

In addition to the book, Sos Kamry also testified about hearing of plans to target the Cham in a meeting he attended at Bos Knao sometime in 1977. He told the Chamber that at this meeting cadres spoke about different types of enemies, of which the Cham were one. Defense for Khieu Samphan, Anta Guissé, asked to clarify whether he had seen “The Plan for Progressive Cooperatives” at this meeting in Box Knao, as Ysa Osman had written in his book, but the Witness denied this, reiterating that he had only seen it at the office in Au Nong later, in 1978.

4. Knowledge of Arrests, Evacuations and Executions

Sos Kamry told the Chamber that, before the arrival of the KR, there were more than 1,250 Cham families in Akmok Village. He said that the regime evacuated all but 50 of those families from the region between 1974-75, and that his family was among the 50 remaining families. The Witness said he believed some of the families evacuated were sent to neighbouring communes. He was not sure of specific fates, but said that he believed only 20 to 25 percent of Cham families survived the regime. He speculated that the rest had been killed, however did not know this for certain.

The Witness told the Chamber that he knew Cham people had been arrested, saying they mostly took place at night and so he did not always see the arrests first-hand. He said that people were taken both from worksites or from their houses. Specifically, he described seeing some of his neighbors taken away, saying: “I did not see them tied up and arrested, but I saw them called out and then they disappeared.” Sos Kamry told the Chamber he did not observe killings, but said he came across graves and pits where bodies were partially buried. He did not describe in detail the locations of these buried bodies, explaining he had observed many such sites. The Witness said he knew of one particular site; Chamkar Ta Pom, adding that he heard people were taken there and killed, but never saw this site himself.

5. Estimate of the Number of Cham People who died during DK

The Witness’s estimated number of the amount of Cham people who were killed during the DK regime was strongly contested by Counsel for Nuon Chea. Sos Kamry estimated that approximately 700,000 Cham people lived in Cambodia before the DK regime, and that there were only about 300,000 remaining after 7 January 1979. Thus he claimed around 400,000 had perished during the regime, however added that he could not be certain because he was not aware of the birth rate over the years, or the number of Cham people who fled to other countries. The Defense confronted the Witness with different estimates made by authors Michael Vickery and Ben Kiernan, whose estimates differ significantly from Sos Kamry’s. The Witness justified his claim by saying he had visited approximately “70 to 80 percent” of villages where Cham people lived and spoken to elders there, as well as conducting other demographic research based on the numbers of families in each village and the average household size. He said that he understood there was some uncertainty on the topic, but added that he believed his was a conservative estimate and that the exact number of Cham people killed during DK could be even higher.

6. Witness Demeanor and Credibility

Despite appearing to testify only after repeated threats and eight months after he was initially contacted, Sos Kamry did not seem evasive or defensive in court and concluded his testimony promptly over the course of one day. Defense Counsel Koppe sought to uncover why the Witness had been so reluctant to testify, and suggested that he had attempted to use his position to avoid testifying. The Defense counsel also suggested that the reason the Witness

had declined to give a traditional Islamic oath before the Trial Chamber as prior Cham witnesses have done, was because the Witness was planning to lie on the stand. The Witness responded that because he could not guarantee the accuracy of estimates he would provide, he did not want to insult his religion by giving them under oath. Some doubts were raised over the circumstances in which the Witness was able to move villages when he feared for his life, or why he was left alone in the office to read a book calling for the extermination of the Cham, however Sos Kamry maintained these events had taken place and did not alter his testimony. Otherwise, Sos Kamry appeared to easily follow procedures and answered most questions. He was open about times where his evidence seemed to contradict earlier statements, explaining that much time has passed since the events in question.

B. Summary of Testimony by Witness Phan Van

On the fourth day of hearings this week, Witness Mr. Phan Van gave evidence on the topic of Phnom Kraol Security Center via video-link from Banteay Meanchey Province.⁸ He testified on his role as a decoder at the K-17 office and also his knowledge of command structures at Phnom Kraol.

1. Staff at K-17 Office and Witness's Role as a Decoder There

Phan Van began his testimony by describing the structure of Sector 105 office K-17, where he worked as a telegram decoder for his father Ta Laing.⁹ He distinguished between the K-17 Head Office and the K-17 compound, which was about 5 to 10 hectares in total. He stated that several different units were located on the the K-17 compound, including a kitchen, hospital, field unit, transport unit and farming unit. The Witness estimated that approximately 1,000 people had lived and worked at K-17. He testified that the Head Office had been serviced by approximately 20 people and had included a meeting room in which district chiefs could discuss the implementation of orders passed from above. He testified that his father Ta Laing had been in charge of K-17, while Thin had held the position of office chief.

In regard to his own role at K-17, the Witness stated that he had been a decoder from approximately 1974 until late 1975 or early 1976 when his sister took over his role as a telegram decoder and he began working as a driver for his father. He testified that as a decoder he and the other two or three decoders received telegrams from different districts, from border units as well as from the upper echelon in Phnom Penh. The Witness pointed out that most of the messages received from District 870 had been signed by Nuon Chea. These messages contained instructions regarding security matters in relation to the situation at the Vietnamese border as well as the construction of dams and dykes. The Witness denied receiving any messages in relation to purges and killings, but also stated that decoders were unaware of the content of the messages they decoded as several different codes were used.

2. Witness's Positions as a Messenger and later as Driver for Ieng Thirith

The Witness testified that after he worked as his father's driver until his father was sent to Phnom Penh, where he was presumed to have been killed. Phan Van recalled that it could have been in late 1976 or early 1977. After his father left, the Witness was relocated from Sector 105 to the forest, where he was assigned the position of messenger. He stated that while working in this capacity he had delivered letters from *Angkar* to different houses in the area, including the houses of Pol Pot and Nuon Chea as well as Hou Nhim, Khieu Samphan and several others. He assured the Trial Chamber that he had delivered all letters directly to the addressees and was consequently unaware of their content. Following his position as messenger, the Witness said that he was reassigned to be Mrs. Ieng Thirith's driver.¹⁰

3. Phnom Kraol Security Center

The Witness was asked to testify in regard to Phnom Kraol Security Center. The Witness testified that during his time at K-17 there was only one Security Center, namely Phnom Kraol Security Center, and denied knowledge of any other security center in the area. He stated that the Security Center was located to the south of Kraol mountain, approximately ten kilometers by road and one kilometer directly from K-17. He identified Ta Sophea as the chief of the Security Center, but said that after Sophea was named as a traitor, he was replaced by a man named Leng. Phan Van explained that the Phnom Kraol Security Center was meant for people who had been accused of less severe crimes, such as “moral offenses” or evading work. The Witness stated that people were arrested and sent to Phnom Kraol Security Center on orders of the upper echelon in Phnom Penh, although he did not say how he knew this. The Witness stated that there had only been a few arrests during the time he lived in the region, and he was not aware if those arrested had survived their detention at Phnom Kraol.

4. Death of Witness’s Father Ta Laing

The Witness estimated that his father had been murdered in late 1976 or early 1977. Describing the circumstances surrounding his father’s death, he explained that his father had been called to Phnom Penh to attend a training session. The Witness testified that he drove Laing to Phnom Penh, but did not witness his murder.¹¹ Asked about the person responsible for his father’s death, Phan Van stated that he had been told that his uncle Kham Phoun had killed his father. The Witness went on to explain that he and his family had not believed that this was true as Kham Phoun had had a close relationship to Laing, working together during the resistance. The Witness told the Court that Kham Phoun was later accused of being a traitor.

5. Witness Demeanor and Credibility

Generally, Phan Van seemed to have no difficulty following proceedings and was able to answer most questions put to him. His testimony appeared to be largely consistent with his previous evidence given and also the testimony of others, particularly in relation to K-17 and the organization of Division 920.¹² When the Witness could not answer a question, he usually explained that the question was referring to something that must have happened after he had left K-17 or that he could not recall because of the length of time that had passed since the DK regime was in power.

III. LEGAL AND PROCEDURAL ISSUES

This week two unusual legal issues, both involving witness Sos Kamry, dominated proceedings and took a significant amount of the Trial Chamber’s time to resolve. Sos Kamry’s initial reluctance to appear at all in court and issues surrounding his refusal to take an Islamic oath became contentious after the Nuon Chea Defense accused the Witness of attempting to give “unsworn testimony.”

A. Sos Kamry’s Reluctance to Appear

On Monday and Tuesday mornings the President announced that he had been informed by the Witness and Expert Support Unit (**WESU**) that the scheduled Witness, Sos Kamry, was refusing to appear to give evidence without giving a justification. The Witness, who on these two days was identified only by the pseudonym 2-TCW-827, had been summoned in relation to the treatment of the Cham during DK. Documents subsequently released to the public demonstrated that the Trial Chamber had first tried to summons the Witness in September 2015.¹³ This same document stated that the Witness had claimed poor health as the reason for his refusal to testify before the ECCC, however had refused to undergo any medical assessment despite several offers from WESU. On both Monday and Tuesday President Nil

Nonn informed all Parties that the Trial Chamber would use coercive measures in accordance with Internal Rules and the Cambodian Code of Criminal Procedure in order to try to ensure the Witness's appearance at the next day of hearings.¹⁴

In response to an Order to Bring a Witness Refusing to Appear, dated 4 April 2016, Major General Lor Soleng, the Deputy Chief of the National Security Section (**NSS**), wrote to the Trial Chamber explaining the situation further.¹⁵ Lor Soleng told the President that the NSS and Judicial Police Officers had attempted to execute their order to bring in Witness 2-TCW-827 against his will, however immediately prior to doing so they received a request from the Council for Islamic Religious Affairs to grant them an opportunity to convince the witness to appear voluntarily, "on the ground that the forced measure would mislead Muslim Cambodians and might lead to various protests and violence." As such, the request of the Council for Islamic Religious Affairs was granted and the Witness agreed to appear in court voluntarily on 6 April 2016.

When the Witness appeared in court, the Defense for Nuon Chea questioned the witness on his reluctance to appear. While Sos Kamry reiterated that it was only because of health concerns that he had felt such reluctance, he did say he was aware that the Council for Islamic Affairs had warned there would be protests and violence within the Cham community should he be called by force, saying: "That is correct, if it is necessary, there should be a protest." Counsel Koppe also asked the Witness whether he was aware that Osman Hussan, advisor to the Prime Minister Hun Sen, had enquired whether it was possible to replace Sos Kamry with another witness to testify on his behalf, however Sos Kamry denied knowing about this.

B. Issues around the Oath taken by Sos Kamry

The question of whether he would appear at all was not the only issue raised during Sos Kamry's testimony this week. At the beginning of his testimony, the Witness gave an affirmation, rather than a religious Islamic oath, that he would tell the truth during testimony. The President explained that under the Internal Rules 24(1) there are two ways for a witness to take an oath prior to testifying: firstly, an oath based on the Witness's religion or secondly; an affirmation or confirmation that they are telling the truth.¹⁶ The Chamber accepted that in the Islamic religion it is not necessary for religious leaders to take an oath. The Court instead accepted that the Witness affirmed he would tell the whole truth based on his knowledge.

After Counsel Koppe raised his objection, the President had Sos Kamry reaffirm his intention to tell the truth, however during questioning Mr. Koppe returned to the issue and asked the Witness to explain the reason he did not take an oath, both in court and during his prior statement to DC-Cam. Sos Kamry told the Court that he could not testify under an Islamic oath because he may be required to estimate figures and make statements based on belief but not absolute certainty, which would violate his religious oath. On a number of occasions Counsel Koppe referred to Sos Kamry's statements as "unsworn testimony" and asked at one stage "did you not take an oath because you are afraid to say you saw this book [The Plan for Progressive Cooperatives] under oath?" however the Witness maintained that he did not need to take a religious oath to ensure he spoke the truth.

IV. TRIAL MANAGEMENT

The Trial Chamber concluded the testimonies of two witnesses over the course of four days this week. The first witness appeared on Wednesday only after repeated attempts by the Trial Chamber to ensure his appearance failed on Monday and Tuesday. Sos Kamry eventually testified voluntarily on the treatment of Cham during DK regime. Witness Phan Van then testified via video-link from Banteay Meanchey on the Phnom Kroal Security Center.

A. Attendance

On 5 April 2016, Nuon Chea was absent from the holding cell due to a severe health issue, however as scheduled witness Sos Kamry did not appear, this did not pose an issue. For the two hearing days this week Nuon Chea waived his right to be present in the courtroom as usual and observed the proceedings from the holding cell, while Khieu Samphan was present in the courtroom during all sessions throughout the week. WESU staff member Mr. Chuong Sothearith was appointed to provide technical assistance operating the video-link during the testimony of Witness Phan Van on Thursday.

Judge Attendance: All Judges were present in the courtroom throughout the week.

Civil Parties Attendance: Approximately ten Civil Parties observed the proceedings from inside the courtroom throughout the week.

Parties: All Parties were properly represented in the courtroom this week with two exceptions. International CPLCL Marie Guiraud was absent on Thursday for personal reasons. International Co-Defense Lawyer for Khieu Samphan Anta Guissé was also absent in the afternoon sessions of Thursday without any public notification from by the Trial Chamber, however as her national counterpart Kong Sam Onn was present their client remained properly represented.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 28/02/2016	<ul style="list-style-type: none">Approximately 100 students from American International School, Phnom Penh	<i>No proceedings</i>
Tuesday 29/03/2016	<ul style="list-style-type: none">429 students from Hun Sen Samroang, Thpong District, Kampong Speu Province	<i>No proceedings</i>
Wednesday 30/03/2016	<ul style="list-style-type: none">Approximately 150 villagers from Trang District, Takeo provinceFour Cham observersThree foreign observers	<ul style="list-style-type: none">Approximately 90 villagers from Trang District, Takeo provinceFour Cham observersFive foreign observers
Thursday 31/03/2016	<ul style="list-style-type: none">345 students and 15 teachers from Hun Sen Ksach Kandal High School, Ksach Kandal District, Kandal ProvinceOne foreign observer	<ul style="list-style-type: none">Approximately 250 students and 10 teachers from Hun Sen Virota High School, Ksach Kandal District, Kandal ProvinceOne foreign observer

B. Time Management

The Trial Chamber's schedule did not proceed as planned this week as the first two days of hearings ended after no more than five minutes after Witness Sos Kamry refused to participate in proceedings. There was no reserve witness available on either Monday or Tuesday. While the National Security Section and Judicial Police Officers were prepared to bring the Witness in using "coercive measures," eventually on Wednesday Witness Sos Kamry chose to be present before the court. The Trial Chamber then efficiently heard Sos Kamry's testimony over the course of one day, and concluded another witness Phan Van on Thursday. At the end of prosecution questioning, witness Sos Kamry said he felt dizzy and requested the afternoon sessions be shortened. The Trial Chamber ordered the Witness be assessed by the Duty Doctor, and advised him that even if he was ill today, he would need to reappear at a later date

to hear Defense questions. Ultimately Sos Kamry testified in the afternoon as scheduled. Before adjourned the hearing on Thursday, the Trial Chamber announced the court would adjourn for the following week to celebrate the traditional Khmer New Year and would reconvene the next week to commence hearing testimony from Civil Party 2-TCCP-243 on S-21 Security Center.

A. Courtroom Etiquette

There were no noteworthy breaches of courtroom etiquette this week and all Parties conducted themselves with professionalism.

B. Translation and Technical Issues

There were a number of translation issues throughout proceedings this week, prompting Parties to express concerns in relation to the accuracy of communication within the courtroom. On a number of occasions international lawyers had to ask their national counterparts for assistance pronouncing names and places in order that the witness may understand.¹⁷ KRT Monitors also noted a number of misinterpretations from English to Khmer¹⁸ and Khmer to English¹⁹ throughout the week. Regarding technical issues, in the afternoon of the remote examination of Witness Phan Van there were a few interruptions due to a power outage in Banteay Meanchey that meant that the video-link had to be powered by a battery. However, this only posed minor issues and overall proceedings ran smoothly.

C. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 28/03/2016	9:11	-	-	-	9:16	5 minutes
Tuesday 29/03/2016	9:24	-	-	-	9:28	4 minutes
Wednesday 30/03/2016	8:59	10:12-10:29	11:31-13:29	14:40-14:59	16:02	4 hours 29 minutes
Thursday 31/03/2016	8:59	10:09-10:29	11:30-13:31	-	14:27	3 hours 7 minutes
Average number of hours in session				1 hours and 56 minutes		
Total number of hours this week				7 hours and 45 minutes		
Total number of hours, day, weeks at trial				637 hours and 22 minutes		
174 TRIAL DAYS OVER 50 WEEKS						

*This report was authored by Lena Harris-Pomeroy, Melanie Hyde, Nicholas Maycock, Caitlin McCaffrie, Visot Nom, Lina Tay and Sathapor Thorn as part of the KRT Trial Monitoring and Community Outreach Program. KRT Trial Monitor is a collaborative project between the East-West Center, in Honolulu, and the WSD HANDA Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center). Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in Southeast Asia.



Unless specified otherwise,

- ☐ the documents cited in this report pertain to the *Case of Nuon Chea and Khieu Samphan* before the ECCC;
- ☐ the quotes are based on the personal notes of the trial monitors during the proceedings;
- ☐ the figures in the *Public Attendance* section of the report are only approximations made By AIJI staff; and
- ☐ photos are courtesy of the ECCC.

Glossary of Terms

Case001	<i>The Case of Kaing Guek Eavalias “Duch”</i> (CaseNo.001/18-07-2007-ECCC)
Case002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan</i> (CaseNo.002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
DSS	Defense Support Section
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
IR	Internal Rules of the ECCC Rev.8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ Trial Chamber, “Request for report regarding Witness 2-TCW-827” (5 April 2016) E202/208/3

² For a summary of PHAN Van’s previous testimony in Case 002/01, see CASE 002/01 KRT TRIAL MONITOR, Issue 46, Hearings on Evidence Week 41 (11-14 December 2012), pp. 2-6.

³ Witness SOS Kamry (2-TCW-827) was questioned in the following order: President NIL Nonn; international co-prosecutor Nicholas KOUMJIAN; national deputy prosecutor SENG Leang; national Civil Party lead co-lawyer PICH Ang; international co-counsel for Nuon Chea, Victor KOPPE; national co-counsel for Nuon Chea, LIV Sovanna; international co-counsel for Khieu Samphan, Anta GUISSSE; national co-counsel for Khieu Samphan, KONG Sam Onn. He said he had been known by the name SOS Kamry throughout the DK regime, contradicting a prior statement to the OCIJ in which he said he changed his name from his original Islamic name during the regime for fear of being arrested.

⁴ The title was traditionally only bestowed by the King, but was reinstated by a government sub-decree in 1994 and there are an estimated 700 oknhas in Cambodia today. See: Sek Odom, Simon Henderson “As Oknha Ranks Grow, Honorific Loses Meaning,” *Cambodia Daily* (21 June 2014).

⁵ SOS Kamry was never asked to elaborate further on when the KR arrived in his village, he only ever said “prior to 1975.”

⁶ It has been the topic of much debate because SOS Kamry appears to be the only person to testify who ever saw such a document. When YSA Osman appeared as an Expert Witness on the treatment of the Cham, he was questioned in detail by the Defense Teams about his inability to locate the document allegedly seen by SOS Kamry, to which he responded that it had likely been destroyed either intentionally by the KR or incidentally due to the passage of time. For a summary of Ysa Osman’s testimony see Case 002/01, see CASE 002/02 KRT TRIAL MONITOR, Issue 43, Hearings on Evidence Week 40 (9-10 February 2016), pp. 1-5 and Case 002/02 KRT TRIAL MONITOR, Issue 48, Hearings on Evidence Week 45 (21-25 March 2016), pp. 3-5.

⁷ In his statement to the OCIJ, SOS Kamry had stated that the book had a light yellow cover and was 16 pages long, however in court he did not feel confident confirming this description.

⁸ Witness PHAN Van, also known by the name BOPHAN Van or by his birth name KHAM Van (2-TCW-1011) was questioned in the following order: President NIL Nonn; international assistant prosecutor Joseph Andrew BOYLE; national Civil Party co-lawyer SIN Soworn; international co-counsel for Nuon Chea, Victor KOPPE; national co-counsel for Khieu Samphan, KONG Sam Onn.

⁹ During DK, Sector 105 was located in Mondulhiri Province.

¹⁰ IENG Thirith was arrested on 12 November 2007 and sent to trial on crimes against humanity, grave breaches of the Geneva Conventions of 1949 and genocide. She was allegedly Minister of Social Affairs in DK and remained with the KR until she was granted a royal amnesty and pardon in 1996. On 13 September 2012 the Trial Chamber found Ieng Thirith unfit to stand trial and stayed proceedings against her. She passed away on 22 August 2015.

¹¹ In his previous testimony, PHAN Van stated that he drove Kham Phoun and Ta Laing to Phnom Penh in 1977 to attend a meeting they had been invited to by letter from Nuon Chea. He said that while they attended the meeting he toured the city, and when he returned home he saw both Ta Laing and Kham Phoun lying dead in the house. He said previously that he never received information about how they died, but recalled that Kham Phoun was holding a handgun. It is unclear why he did not mention this during today’s testimony, and no Party chose to question him further on this discrepancy.

¹² Previous witnesses to testify in the Phnom Kraol segment who gave similar testimony about K-17 and Division 920 include NET Savath, see CASE 002/02 KRT TRIAL MONITOR, Issue 46, Hearings on Evidence Week 43 (7-11 March 2016) pp. 6-8. Also Witness BUN Loeng Chauy and Civil Party SUN Vuth, see CASE 002/02 KRT TRIAL MONITOR, Issue 49, Hearings on Evidence Week 46 (28-31 March 2016), pp. 1-8.

¹³ “Request for report regarding Witness 2-TCW-827.”

¹⁴ Extraordinary Chambers in the Courts of Cambodia. “Internal Rules (rev. 9)” Rule 60(3) p. 48.

¹⁵ National Security Section. “Report on Delay in Execution of Order to Bring a Witness Refusing to Appear” (6 April 2016) E202/208/3/1.

¹⁶ Extraordinary Chambers in the Courts of Cambodia. “Internal Rules (rev. 9)” Rule 24(1) p. 27.

¹⁷ For example, on 7 April, President Nil Nonn noted a false interpretation of Khmer person’s name “Ta Chhin” from English to Khmer during international Assistant Prosecutor Joseph Andrew Boyle’s questioning Witness Phan Van. There were also a few other moments of confusion with Khmer names being read by the international Assistant Prosecutor, however his national colleague Srea Rattanak was able to assist in correcting his Khmer pronunciation and facilitate understanding in the courtroom.

¹⁸ Monitors noted errors translating from English to Khmer, including: ‘November’ to ‘December’ and ‘sister’ to ‘younger sister.’

¹⁹ Monitors noted errors translating from Khmer to English, including: ‘brother’ to ‘sister’, ‘Chunik village’ to ‘another’, ‘I made a request’ to ‘Please repeat’, ‘four or five kilometers’ to ‘45 kilometers’, ‘500 to 700 people’ to ‘705 to 750 families’, and ‘regiment’ to ‘battalion.’