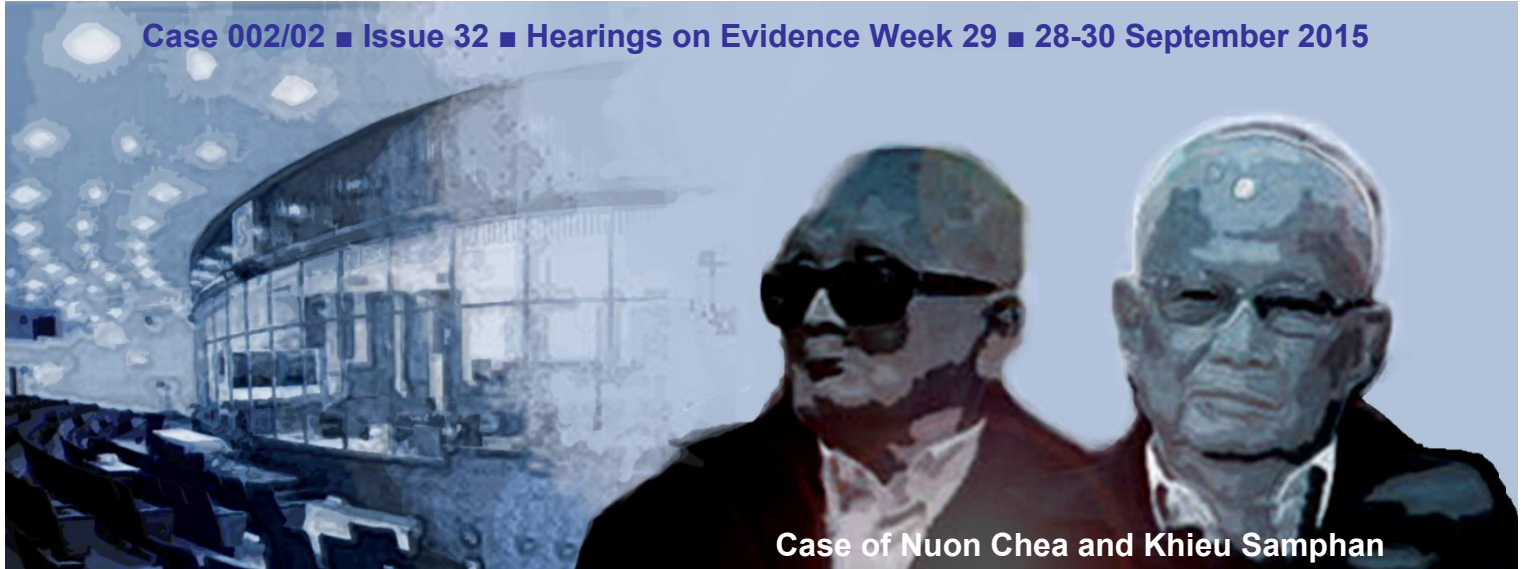


KRT TRIAL MONITOR

Case 002/02 ■ Issue 32 ■ Hearings on Evidence Week 29 ■ 28-30 September 2015



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)

"After they tied us up and lined us up, they questioned us, asking if we were Cham or Khmer. Then if somebody answered that she was Cham, she would be taken from the line, escorted by an armed person, ... and they disappeared."

- Civil Party No Satas

I. OVERVIEW

This week, the Trial Chamber resumed hearing testimony on the treatment of the ethnic Cham minority after a one-week recess. Over the course of this week, the Chamber heard from two Cham Civil Parties, followed by one witness regarding the Trapeang Thma Dam worksite (TTD). On 28 September, Civil Party Him Man concluded the testimony he began two weeks ago regarding his treatment as a Cham person in Sach Sou village and his knowledge of the rebellion in Koh Phal. In the afternoon and throughout the following day, a second Cham Civil Party, No Satas, testified about another Cham rebellion in Svay Khleang, Krouch Chhmar District. On Tuesday afternoon, Witness Sot Sophal, who had been unable to testify on his originally scheduled date due to poor health, provided testimony about the TTD. A number of legal issues dominated the late Wednesday afternoon session, particularly the recurring issue of Case 004 documents entering Case 002/02, as well as how best to manage the upcoming appearance of Expert Witness Ysa Osman. As Witness 2-TCW-928 was unwell and unable to testify, the Chamber only sat for three days this week.

II. SUMMARY OF WITNESS AND CIVIL PARTY TESTIMONY

Over the course of this week, the Trial Chamber heard the testimony of two Civil Parties and one witness. The Civil Parties each spoke of their treatment as members of the ethnic Cham minority during the Democratic Kampuchea (DK) period. On Tuesday and Wednesday, the Chamber heard testimony on the TTD from Witness Sot Sophal, who spoke of people

collapsing and dying from fatigue, and others being brought to the worksite for public executions.

A. Summary of Testimony by Civil Party Him Man

After one week of recess, the Chamber began this week by hearing the remaining testimony of Civil Party Him Man, who first appeared on 17 September 2015.¹ During the examination by both Defense teams, the Civil Party testified about the treatment of the Cham in Sach Sou village, the rebellion in Koh Phal, and his own marriage at Wat Au Trakuon in 1977. His testimony ended after two sessions with his victim impact statement, otherwise referred to as a statement of suffering.²

1. Treatment of Cham in Sach Sou Village, Peam Chi Kang Commune

According to the Civil Party's statement, in 1974, the Sach Sou village chief known as Tam – himself a Cham person – announced that the Cham were considered “enemy number one.” Him Man observed that, after this announcement, Cham people started disappearing, while those who remained were banned from practicing their religion, made to cut their hair, and were forced to eat pork. Under questioning from International Defense Counsel for Nuon Chea, the Civil Party clarified that he never saw anyone physically forced to eat pork, however announcements were made that anyone refusing to eat pork would be accused of opposing Angkar and punished accordingly. The Civil Party stated that, although no one would guard the Cham and he never witnessed anyone be physically punished, a culture of fear led the Cham to report on each other in an attempt to appear most loyal to the Khmer Rouge (**KR**). He also gave evidence that around half of the Cham in his village were forcibly relocated and assigned to the worksite on National Road Number 6. As they never returned, the Civil Party concluded that these people had died as a result of hard labor.

2. Rebellion in Koh Phal

When asked about the 1975 Cham rebellion in Koh Phal, Krouch Chhmar District, Him Man explained that he had been working in Sach Sou at the time, and so he had not witnessed the rebellion firsthand. Rather, he had heard from other villagers, who told him that the Khmer Rouge had suppressed the rebellion with heavy artillery and marines. Afterward, Koh Phal reportedly became known as Koh Peh (“Island of the Ashes”), because of the number of people who had died there. As a consequence of the rebellion, the situation in Sach Sou worsened significantly and the Cham there were seriously mistreated, according to the Civil Party.

3. Marriage at Wat Au Trakuon

Nuon Chea's Defense addressed Him Man's statement about his wedding in some detail, in order to clarify whether he had been married in a security center. The Civil Party claimed that he was married in a public ceremony along with 50 other couples at Wat Au Trakuon in 1977, at which time the pagoda had allegedly already been turned into a security center. The Civil Party could not give any more detailed information on Wat Au Trakuon Security Center, except to say that he had heard some rumors about prisoners being kept at the pagoda; at the time of his wedding, he did not dare to examine the compound closely. He further stated that, while he himself had married a Cham woman, he knew other Cham people who were made to marry Khmer people.

4. Escape and Refuge in Nearby Pond

During the Civil Party's testimony two weeks ago, Him Man claimed that he and his wife ran from the security center after hearing Cham people being executed, then hid by a pond for three months and 29 days. Both Defense teams questioned this point, and Him Man was able to respond with detailed information about the location of the pond, nearby streets, the security center and the river. He clarified that these events all took place in late 1978, shortly before the fall of the DK regime.

5. Civil Party Statement of Suffering

During his victim impact statement, Him Man told the Chamber how he continues to suffer due to the loss of his relatives during the DK period. He said that he sometimes wishes he were dead, that he has no hope for his future, and that sometimes he feels he will become "psychotic" as a result of all that he has gone through. The Civil Party closed by stating that he hoped everybody would learn the truth about what happened during the DK period.

B. Summary of Testimony by Civil Party No Satas

This week, the Chamber also heard the testimony of a 57-year old Civil Party, Ms. No Satas, over four sessions. No Satas provided her insights on the context leading up to the 1975 Cham rebellion in her home village of Svay Khleang, describing in particular how all the male participants were detained while the women and children were relocated to Khsach Prachheh Leu. The Civil Party explained that she was separated from her relatives after the arrival of the Southwest Zone cadres and sent off to Trea village, where she only managed to survive by pretending that she was Khmer. During her examination, there were several instances where the Civil Party contradicted herself or became aggravated, and she was asked several times by the President to compose herself. When questioned on contradictions in her testimony, No Satas stated that her memory was unclear regarding events or interviews in the past.³

1. Rebellion in Svay Khleang in 1975

The Cham Civil Party was born in Svay Khleang village, Krouch Chhmar District – which she said was considered a "Cham village" prior to 1975. She explained that, after the KR takeover, Cham were no longer allowed to practice their religion or culture, and arrests of members of the minority took place almost every night. As the situation worsened, a group of Cham men decided to rebel against the KR in Svay Khleang. No Satas said she learned later that the rebellion was supervised by the present-day *hakim* and her fellow Civil Party, Mr. Sos Ponyamin.⁴ No Satas recalled hearing the beating of a drum to mark the beginning of the rebellion. According to her record of interview, the rebellion was defeated after a day and night of fighting, during which time she claimed to have seen bullets but not to have witnessed anyone shooting. The Civil Party stated that, following the defeat, all men who had participated in the rebellion were arrested and detained; among them, No Satas' father, who, like multiple others, was accused of being a CIA agent. She learned later that he was detained for approximately six months before he was sent to Preaek Achi, where all traces of him vanished. After the rebellion, women and children were forced to leave the village and were detained in a warehouse in Krouch Chhmar Leu for over a month with insufficient food and medical care, before being transferred to Khsach Prachheh Leu.

2. Experiences in Khsach Prachheh Leu

The Civil Party testified that she stayed in Khsach Prachheh Leu along with her mother, grandmother, and siblings until the arrival of Southwest Zone cadres in 1977. No Satas stated that, during that time, Cham were forced to eat pork, speak Khmer, and dress in the black clothes of the Khmer people. Her mother – a religious Muslim woman – was intentionally assigned to raise pigs. During these two years, No Satas was variously assigned to work at a dam construction site and to dig canals as part of a women's mobile unit. The Civil Party testified that shortly after her return to Khsach Prachheh Leu in early 1978, clashes between East and Southwest Zone cadres took place. When the Southwest Zone cadres arrived, they asked the village chief to write a list of all the Cham living in the village. As a result, the Cham men were arrested and taken away, followed shortly by Cham women and children, including the Civil Party's relatives. She stated that those taken away were put on boats and ferries that brought them to Stueng Trang, on the other side of the river. No Satas testified that she never saw any of the men again. She was subsequently made to march with the rest of her women's unit to Trea village.

3. Experiences in Trea village

According to No Satas' testimony, after their arrival in Trea village, her unit and several other women's units were gathered together and detained in a big house for nine days. She explained that all of the 200 to 300 women housed there were asked about their ethnicity by the district chief, a man called 'Hor,' according to the Civil Party. Those who said they were Cham were removed from the house and guarded by armed soldiers. The Civil Party testified that, when questioned by Hor, she lied and said that she was Khmer. After the guards accepted her claim, the 30 to 40 other women awaiting questioning said they were Khmer too. She testified that, after a short detention, Hor organized a dinner during which the women were made to eat pork as a test of their ethnicity. She testified that, when the chief released them, he told them they were lucky not to be Cham otherwise they would have been killed.

The Civil Party testified that, shortly after her release, she saw dead bodies floating in the river in sacks. The bodies had slit throats, and some of them were children of between six and twelve months of age. While she admitted to not having seen any executions, she surmised that the bodies had been put in bags and then thrown in the river. Later, while she and others were assigned to dig earth, co-workers told them that they were in fact digging their own graves and that they should flee, which they ultimately did. She said she and some others from her unit spent about three months in the forest before the country was liberated in 1979.

4. Civil Party Statement of Suffering

No Satas used her statement of suffering to elaborate on the inhumane work and living conditions at the worksites and the cruelty of soldiers who destroyed the villages and property. She also mourned the loss of her relatives and family members who died during the regime, saying she sometimes feels "like a crazy person" and wishes she too had died. Ultimately, the Civil Party asked what had been the purpose of the entire Khmer Rouge revolution.

C. Summary of Testimony by Witness Sot Sophal

The last individual to testify this week was Witness Sot Sophal, who discussed the Trapeang Thma Dam worksite. Originally, his appearance before the Trial Chamber had been scheduled

for 10 August 2015, during the allotted segment on the TTD, however, he could not appear then, due to health reasons. The Witness was 15 or 16 years old at the time he was sent to work at the TTD. He testified about his experiences in a special children's unit, and how he witnessed deaths from exhaustion, as well as executions, at the worksite.⁵

1. Working Conditions and Food Rations at Trapeang Thma Dam

Witness Sot Sophal described the working conditions at the TTD as harsh, leaving the workers, including children, exhausted at the end of every day from working with no machinery and from not having enough food or sleep. The Witness stated that his unit woke up every morning at 3:00AM to start work, which they did not finish until 10:00 or 11:00PM, with only short allotted breaks for lunch and dinner. The Witness stated that their meals consisted of one bowl of rice shared between four, and a tasteless soup. He said they slept in one long communal shelter with no blankets or mosquito nets. As a result, both child and adult workers were exhausted and regularly collapsed while working, sometimes even dying. When questioned, the Witness was able to recount a number of instances when he had personally seen workers collapse in the fields. He said other workers would attempt to resuscitate them, but, in several instances, which he claimed to have witnessed first-hand, the individuals died. When questioned by Defense Counsel for Nuon Chea, the Witness clarified that there were no medics present at the worksite to provide a diagnosis of what had caused them to collapse, but that, from his experience, it was most likely exhaustion. The Witness said he had never seen a hospital at the TTD site, nor heard of anyone sent to one, and that anyone who fell ill was given identical small pills with questionable effectiveness.

2. Children's Unit

The Witness testified that he had been assigned to a children's unit while at TTD. He said that the children's unit was composed of 1,000 to 2,000 members, ranging from 14 to 18 years old. He said that children who looked strong and big enough were selected from different villages to join the unit. When Civil Party Lead Co-Lawyer Pich Ang quoted a speech made by Khieu Samphan in April 1977 saying that children were happy during the DK period, the Witness disputed this claim, saying, "I was not happy. We couldn't go to school, and how could we be happy carrying dirt, collecting fertilizer." Victor Koppe examined the Witness about his schooling, and the Witness asserted that there was no proper educational system at that time. Children studied under a tree about once a week without textbooks, according to the Witness, and the rest of the time, they were assigned to collect fertilizer.

3. Work Quotas and Punishment

In response to the Prosecution's questions regarding work quotas at the TTD, Witness Sot Sophal testified that group and unit chiefs gave the workers initial quotas, which were then extended over time. He said the term "storm attack" was used when a worker needed to be motivated to work faster and harder, as happened when he was told, "The canal project had to be completed in three months." At this point, they were forced to work without stopping over the final two or three months. The Witness also said that anyone who did not achieve their quota had their food rations reduced. This could happen once or twice, however if workers were reprimanded a third time, militia would tie them to a wooden frame then raise and lower them several times before releasing them. While he did not see this happen himself, he testified that he spoke to a man to whom this had happened and who described the incident in

detail. Sot Sophal also testified that people were guarded and regularly taunted by militia or other people with weapons, who told them, “To keep you is no gain; to lose you is no loss.”

4. Arrests, Killings, and Mistreatment at the TTD Worksite

The Witness further testified that the group of people who guarded his team of workers consisted of three or four people, including one young woman holding a rifle, and two other young men with swords. Workers referred to such individuals as “militia.” He recalled that this group watched workers in the fields and would sometimes beat workers or poke them with swords for fun, or to remind the workers to work harder. The Witness said that he saw arrests occurring “every few days” while he was working in the field, and that arrested workers were never seen again. The militia arrested workers and sent them to the Worksite chief’s house, also known as Ta Val’s house. While Sot Sophal said he had never personally seen Ta Val at the site, a number of buildings and locations were named after him, and he had been told that Ta Val was chief of the TTD site.

The Witness also testified about two separate executions at the worksite. He said the two killings had occurred ten days apart, but that they had been so similar in detail that he surmised such events happened routinely. According to Sot Sophal, on both occasions, a worker was brought to the TTD worksite and beaten to death in front of him and 50 to 60 of his fellow workers. The workers were subsequently warned this fate would be theirs too if they did not follow orders. He said the executions took place about 100 meters from the corner of the Dam, and he testified that he and the other workers buried the bodies. Fear for his life, coupled with extreme exhaustion, led the Witness to flee to the jungle for two to three months, until the regime fell. During this time, he survived by eating raw potatoes, and he testified that, on one occasion, he heard people screaming as they were killed by a tractor. OCP questions on these latter killings provoked Defense objections related to the scope of Case 002/02 (see III.D).

5. Witness Demeanor and Credibility

There were some inconsistencies in Sot Sophal’s testimony, which appeared to be the result of his lack of formal education and consequent inability to calculate. This often made his estimations of numbers of people present, lengths of time, or distances vary significantly. International Judge Claudia Fenz made efforts to clarify this issue during the Wednesday morning session of his testimony. Other than this limitation, the Witness provided direct answers to questions and was open when he did not remember details.

III. LEGAL AND PROCEDURAL ISSUES

This week began with Defense Counsel for Khieu Samphan making the first of three objections concerning the admission of new evidence from the Case 004 investigation. On Wednesday, the Trial Chamber gave Parties the opportunity to make submissions on a number of other issues raised in the preceding days, with Counsel.Anta Guissé taking the opportunity to raise objections related to the scope of Case 002/02, and also pushing back on the OCP’s attempt to ask the Witness about a speech Khieu Samphan allegedly gave in 1977.

A. Recurring Issue of Documents from Cases 003 and 004 entering Case 002/02

On Monday morning, the Defense for Khieu Samphan responded to a request from the OCP for the Court to accept disclosure of a further 25 written records of interview (**WRIs**) from Cases

003 and 004. Counsel Anta Guissé asked for a delay in order to provide an answer to the request, as their response would be directly tied to their submission E363, dated August 24, asking the Chamber to intervene to ensure trials are “fair and expeditious” and arguing that such disclosures “violate the rights of the defense.”⁶ Ms. Guissé asked that the delay she requested begin after the Chamber had decided on submission E363. Senior Assistant Prosecutor Vincent de Wilde d’Estmael commented that the Defense request would cause an undesirable delay to proceedings, especially as the WRIs are related to the current segment on the treatment of the Cham. The President said the Chamber would decide “soon.”

On Wednesday afternoon, the President returned to this subject, asking the International Co-Prosecutor for the status of evidentiary disclosures from the investigations into Cases 003 and 004 and their possible impact on further scheduling for the current segment on the treatment of the Cham. International Co-Prosecutor Nicholas Koumjian explained that the OCP had fully reviewed all WRIs in English from Case 004 and disclosed any related to the Cham. He noted that 27 WRIs in Khmer were still under review, and also that his team was awaiting further disclosure of approximately 400 Civil Party applications. The Co-Prosecutor also confirmed that the investigation remains ongoing, thus relevant evidence may continue to come in. Counsel Guissé pointed out that she was “waiting impatiently for [the Chamber’s] response to [her team’s] motion” regarding disclosures.⁷

B. Inclusion of New Witness on the TTD Worksite

During the time allotted for discussion of procedural issues in the afternoon session of Wednesday, 30 September, the Nuon Chea Defense presented its request to hear an additional witness in relation to the TTD worksite. Defense Counsel Victor Koppe specifically noted that he believed the added witness could provide information on Northwest Zone structures “in more general terms.” No Parties opposed the request, but Senior Assistant Prosecutor Travis Farr observed, “We don’t agree the evidence on the conditions at the Dam is exculpatory, but that the excerpts selected are very narrow, but we think his evidence on the Dam is inculpatory.”

C. Arrangements to Hear Expert Witness Ysa Osman’s Testimony

The Parties disagreed over proper procedural protocols for the upcoming testimony of Expert Witness Ysa Osman (2-TCE-95) at the end of the trial segment on the treatment of the Cham. Because the Expert had previously worked as an investigator on behalf of the Office of the Co-Investigating Judges (**OCIJ**), International Co-Investigating Judge (**ICIJ**) Michael Bohlander had sent the Trial Chamber a letter requesting the presence of the OCIJ’s legal officer, Andrea Ewing, alongside the Expert during his testimony. Mr. Koumjian explained he felt the ICIJ’s request was “reasonable,” in order to prevent the disclosure of any confidential information during the Expert’s testimony.

Counsel Victor Koppe disagreed, however, that the Trial Chamber should allow someone to sit next to the Expert during testimony. Firstly, Counsel argued that the Expert could determine for himself his “personal obligation” to decide if he was risking any confidentiality. Secondly, he argued that Ms. Ewing was not a lawyer recognized by the Bar Association of the Kingdom of Cambodia and, therefore, could not “be entitled to be present and possibly assist the Expert.”⁸ Counsel also noted that he intended to ask the Expert about the Sector 41 hierarchy and the security center at Wat Au Trakuon, both subjects directly tied to the investigation in Case 004 against AO An.⁹ Counsel Anta Guissé, speaking on behalf of Khieu Samphan, agreed with her Defense counterpart that, “If he comes as an expert, he should testify as an expert.” Mr. Koppe

later added, “In this courtroom in Case 002, the ICIJ has no status. He is no party.” Counsel Kong Sam Onn discussed the interests of his client, Khieu Samphan, noting that he was not obliged “to follow the respect of confidentiality that may run in contradiction to the interests of [his] client.” International Civil Party Lead Co-Lawyer (**CPLCL**) Guiraud then joined with her colleagues from the Defense, to note that Internal Rule 56(1) ensures that, “All persons participating in the judicial investigation shall maintain confidentiality. So each person involved is under the duty not to break confidentiality.” She emphasized the Rule’s “personal obligation of confidentiality.” Before the Chamber moved on to the next subject, Counsel Koppe noted that the letter was sent solely by the ICIJ rather the two Co-Investigating Judges. Mr. Koumjian jumped in to “point out that the National Co-Investigating Judge has consistently stressed the confidentiality of the investigation.”

Ms. Guissé requested that the Expert’s appearance be scheduled as the final testimony in the trial segment related to the Cham, and she also asked that his testimony continue for three days in total, rather than the currently scheduled two, in order to allocate each Party one more session of examination. At this time, Counsel also raised the potential need for proceedings to adjourn for a period of five weeks in the coming months to prepare for the appeals hearings in Case 002/01. She acknowledged her request was “a bit premature,” however, as the Parties were still awaiting the scheduling order of the Supreme Court Chamber.

D. Objections over Scope

On Wednesday, the Defense for Khieu Samphan objected to the Prosecution posing questions to Witness Sot Sophal regarding crime sites other than the Trapeang Thma Dam, and any possible executions that may have occurred there. The Defense objected on the grounds that the Prosecution’s questions went beyond the scope established by the severance order. This disagreement between Prosecution and Defense turned into a lengthy back and forth, as the first objection was not sustained, giving the Prosecution the possibility to rephrase and ask about the equipment at the other worksite. This again led to an objection by the Defense, questioning the speculative intention of the Prosecution’s question, and insisting that the topic was out of scope. The Chamber ultimately sustained the objection.

Later during Sot Sophal’s testimony, the Defense objected to Prosecutor Travis Farr asking the Witness to react to a quote from a speech allegedly given by Khieu Samphan in April 1977 about the happiness of children during the DK period. Both Defense teams immediately objected to this line of questioning, stating that the Witness was not an expert on the experience of all children during the DK period. The Judges overruled the objections and allowed the quote to be read, however, after several repetitions the Witness failed to fully comprehend it and provided no response. After the break, Civil Party Lead Co-Lawyer Pich Ang rephrased the statement and the Witness was able to respond in a general fashion.

IV. TRIAL MANAGEMENT

This week, the trial schedule was disrupted a number of times due to witness unavailability, translation problems, and other technical issues. While a reserve witness was able to be called after the original witness was unable to attend Court, the Chamber adjourned for the week on Wednesday afternoon as a result. In addition, the Chamber adjourned half an hour earlier than usual on Tuesday afternoon due to a technical malfunction with the transcription machine. Both the Prosecution and the Defense raised concerns about recurring legal issues that they claimed are consistently delaying court proceedings and needed to be resolved swiftly.

A. Attendance

Nuon Chea waived his right to be present in the courtroom and observed the proceedings from the holding cell while Khieu Samphan was present in the courtroom during all sessions throughout the week.

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

Civil Parties Attendance: Approximately ten Civil Parties observed the proceedings each day from inside in the courtroom.

Parties: All the Parties were properly represented in the courtroom throughout the week.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 28/09/2015	<ul style="list-style-type: none">▪ Approximately 200 villagers from Ou Reang Ov District, Tbong Khmum Province• 40 members of a judicial delegation from Lao	<ul style="list-style-type: none">▪ Three foreign observers
Tuesday 29/09/2015	<ul style="list-style-type: none">▪ Approximately 100 villagers from Ou Reang Ov District, Tbong Khmum Province▪ 15 students and two lecturers from University of Management and Economic (UME), Battambang Province	<ul style="list-style-type: none">▪ Three foreign observers
Wednesday 30/09/2015	<ul style="list-style-type: none">▪ 108 military students from the RAK military academy, Kampong Speu Province▪ Nine foreign observers from American University of Cambodia, Phnom Penh	<i>No public attendance</i>

B. Time Management

This week, the Trial Chamber struggled with time management due to ongoing legal issues and the last-minute unavailability of some scheduled witnesses. However, the Trial Chamber managed to successfully conclude the testimony of two Civil Parties and one witness over the course of three days. On 28 September, the Trial Chamber announced the postponement of the appearance of Witness 2-TCW-928 for health reasons. This witness was replaced by reserve Witness Sot Sophal on 29 and 30 September. Wednesday afternoon saw the Chamber hold a lengthy discussion on legal and procedural issues. At the end of those proceedings, the Trial Chamber decided to adjourn due to the unavailability of the next reserve witness, and to

allocate time for the Trial Chamber to make a ruling on ongoing legal issues. This week, the Trial Chamber managed to allot time relatively equally between all Parties; for example, President Nil Nonn gave an extra fifteen minutes to Defense Counsel Anta Guissé to conclude her examination of Civil Party No Satas on 29 September. President Nil Nonn also allowed an additional 15 minutes for the OCP and Civil Parties as compensation for time lost to several Defense objections during examination of Witness Sot Sophal on the same day.

C. Courtroom Etiquette

There were several strained moments in the courtroom this week, particularly concerning interactions between President Nil Nonn and other Parties. For example, on 29 September, the President interrupted Civil Party No Satas, reminding her to “concentrate,” “compose herself,” and avoid long answers or raising other questions. On the same day, the President also raised his voice when he instructed Prosecutor Farr to rephrase his question to Witness Sot Sophal. On 30 September, National CPLCL Pich Ang objected to Victor Koppe’s statement: “We know that the building of the Dam started in 1977.” The CPLCL submitted that this date was in fact contested. Nuon Chea’s Counsel responded to the objection by saying, “It is unfortunate that the Civil Party Lawyer doesn’t know,” which prompted Pich Ang to stand up as if to argue, however, President Nil Nonn intervened to remind the CPLCL that he could not make a second objection. After deliberating with the Bench, the President warned Counsel Koppe that his question had been “improper” and instructed Counsel to rephrase.

D. Translation and Technical Issues

There were several translation issues and technical interruptions during proceedings this week. On 29 September, while the President explained to Civil Party No Satas about her right to talk about her experience, the interpreter mistakenly rendered the Khmer “three years of the regime” into the English for “the entire regime.” During examination of Witness Sot Sophal by CPLCL Pich Ang, the interpreter falsely translated the Khmer words for “I have three questions left” into the English “I had a little time left.” On 30 September the interpreter made several other errors in Khmer-to-English translation, for example, translating “sword” as “stick.” In addition to a few minor translation problems, which led to questions needing to be repeated, the Trial Chamber was forced to adjourn 29 September proceedings early during the fourth session due to the transcription machine’s malfunction.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 28/09/2015	9:04	10:14-10:34	11:31-13:33	14:41-15:03	16:05	4 hours 17 minutes
Tuesday 29/09/2015	9:02	10:09-10:31	11:37-13:32	14:43-15:00	15:42	4 hours 6 minutes
Wednesday 30/09/2015	9:01	10:11 – 10:30	11:38 – 13:32	14:49 – 15:05	16:12	4 hours 42 minutes

Average number of hours in session	4 hours and 21 minutes
Total number of hours this week	13 hours and 5 minutes
Total number of hours, day, weeks at trial	415 hours and 52 minutes
109 TRIAL DAYS OVER 32 WEEKS	

*This report was authored by Borakmony Chea, Melanie Hyde, Judith Kaiser, Daniel Mattes, Caitlin McCaffrie, Sotharoth Nom, Lina Tay, Penelope Van Tuyl and Talisa zur Hausen 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 the trial monitors; and
- § photos are courtesy of the ECCC.

Glossary of Terms

Case 001	<i>The Case of Kaing Guek Eav alias “Duch” (Case No. 001/18-07-2007-ECCC)</i>
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan (Case No.002/19-09-2007-ECCC)</i>
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
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
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
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
RAK	Royal Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ See CASE 002 KRT TRIAL MONITOR, Issue 31, Hearings on Evidence Week 28 (14-17 September 2015), pp. 6-7.

² Mr. HIM Man (2-TCCP-252) was questioned in the following order: international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ.

³ Ms. NO Satas (2-TCCP-270) was questioned in the following order: President NIL Nonn; national Civil Party lawyer LOR Chuntly; international Civil Party Lead Co-Lawyer Marie GUIRAUD; national deputy prosecutor SREA Rattanak; international assistant prosecutor Joseph Andrew BOYLE; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ.

⁴ "Hakim" is the term for an elder Cham Muslim religious leader. Mr. SOS Ponyamin testified as a Civil Party on 8-9 September 2015. See CASE 002 KRT TRIAL MONITOR, Issue 30, Hearings on Evidence Week 27 (7-10 September 2015), pp. 3-4.

⁵ Mr. SOT Sophal (2-TCW-845) was questioned in the following order: President NIL Nonn; senior assistant prosecutor Travis FARR; national Civil Party Lead Co-Lawyer PICH Ang; Judge Claudia FENZ; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ.

⁶ Khieu Samphan, "Submissions of the Defence for Mr. KHIEU Samphân on the Co-Prosecutors' Disclosure Obligation" (24 August 2015), E363, para. 5.

⁷ Khieu Samphan, "Submissions of the Defence for Mr. KHIEU Samphân on the Co-Prosecutors' Disclosure Obligation" (24 August 2015), E363.

⁸ Counsel Koppe referred to the *Milosevic* case before the ICTY, recalling that two Serbian government officials were present in the courtroom while a witness was answering questions. The ICTY Appeals Chamber permitted the Trial Chamber to allow them there, but, Mr. Koppe explained, "I don't think these government officials were allowed to intervene with the particular witness. They couldn't coach him or say one question or the other could be answered yes or no."

⁹ ICIJ Mark Harmon charged AO An, *alias* Ta An, with premeditated homicide and crimes against humanity on 27 March 2015. Key allegations relate to events at Kok Pring execution site, Tuol Beng security center, and Wat Au Trakuon security center. AO An was allegedly secretary of Sector 41 (present-day Kampong Cham Province) in the Central Zone. See International Co-Investigating Judge, Statement of the International Co-Investigating Judge regarding Case 004 (27 March 2015), <<http://www.eccc.gov.kh/sites/default/files/media/ECCC%20PR%20Ao%20An%20ICIJ%2027%20March%202015%20ENGLISH.pdf>>.