

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/TC  
**Filing Party:** Nuon Chea Defence Team  
**Filed To:** Trial Chamber  
**Original Language:** English  
**Date of Document:** 03 February 2016



**CLASSIFICATION**

**Classification Suggested by the Filing Party:** CONFIDENTIAL  
**Classification of the Trial Chamber:** សាធារណៈ/Public  
**Classification Status:**  
**Review of Interim Classification:**  
**Records Officer Name:**  
**Signature:**

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**NUON CHEA'S SECOND RULE 87(4) REQUEST FOR ADMISSION INTO EVIDENCE  
OF 14 DOCUMENTS RELEVANT TO YSA OSMAN'S (2-TCE-95) TESTIMONY (ON  
THE KHMER SAR, THE KHMER SEREI AND LES KOSEM)**

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## I. INTRODUCTION

1. Pursuant to Rule 87(4) of the ECCC Internal Rules, the Co-Lawyers for Mr Nuon Chea (the “Defence”) submit this request to have admitted into evidence 14 documents related to diplomatic efforts undertaken by Lon Nol and Les Kosem towards Muslim countries, as well as to the Khmer Sar and Khmer Serei movements, in order to use them during the examination of Ysa Osman (2-TCE-95). The requested documents would permit the Defence to question Mr Osman on these issues, which form part of his alleged expertise, and would therefore assist the Trial Chamber when assessing the weight to be given to Mr Osman’s evidence.

## II. APPLICABLE LAW

2. All evidence is admissible, unless otherwise provided in the Internal Rules.<sup>1</sup> The Chamber may reject a request for evidence where it finds that the evidence is irrelevant or repetitious; impossible to obtain within a reasonable time; unsuitable to prove the facts it purports to prove; not allowed under the law, or if it is intended to prolong proceedings or is frivolous.<sup>2</sup> To satisfy the requirements of Rule 87(3), the proposed evidence needs only be *prima facie* relevant and reliable.<sup>3</sup>
3. Pursuant to Rule 87(4), at any stage during the trial a party may request the Chamber to ‘admit any new evidence which it deems conducive to ascertaining the truth’, subject to the general requirements of Rule 87(3).<sup>4</sup> While Rule 87(4) states that the requested evidence must not have been available before the opening of the trial, the Trial Chamber has interpreted this requirement as also encompassing evidence which was available before the opening of the trial but which could not have been discovered earlier with the exercise of due diligence can be admitted.<sup>5</sup> In certain situations, evidence which did not “strictly speaking” satisfy this criterion has been admitted: where the evidence was closely related to material already before the Chamber and where the interests of justice required the sources to be evaluated together; where the proposed evidence is

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<sup>1</sup> Rule 87(1) of the Internal Rules.

<sup>2</sup> Rule 87(3) of the Internal Rules.

<sup>3</sup> **E289/2**, ‘Decision on Civil Party Lead Co-Lawyers’ Internal Rule 87(4) Request to Put Before the Chamber New Evidence (E289) and KHIEU Samphan’s Response (E289/1)’, 14 Jun 2013, para. 26 (“Decision on Rule 87(4) Requests”).

<sup>4</sup> A year into the Case 002/02 trial, the TC held that the parties must submit Rule 87 (4) Requests for documents which were on the case file but which had not been included in the list of documents admitted by the Trial Chamber, even if those had been disclosed by the Prosecution subsequently to the initial documents filings, *see* Draft transcripts of 26 Jan 2016, p. 24.

<sup>5</sup> **E313**, ‘Case 002/01 Judgement’, 7 Aug 2014, para. 25; **E289/2**, Decision on Rule 87(4) Requests, para. 3.

exculpatory and requires evaluation to avoid a miscarriage of justice; or where the other parties do not object to the evidence.<sup>6</sup>

### III. ARGUMENT

4. There is evidence on record suggesting that “FULRO” (United Liberation Front for the Oppressed Races), the “Khmer Serei” (Free Khmer) and the “Khmer Sar” (White Khmer) were movements considered to have opposed the CPK and the DK government at the relevant time, and that people were arrested because of their suspected links to these movements. Ouk Bunchhoeun stated in his interview to Steve Heder there were two rebellious movements: “FULRO Champa” and “Kbal Sar” (presumably Khmer Sar), both involving Cham Muslim people; and that the Cham Muslims in FULRO Champa intended to create a state within a state.<sup>7</sup> A Cham witness, NO Satas, testified in front of this Chamber that her father was arrested in 1975 because of his involvement in the White Khmer resistance movement.<sup>8</sup> Further, some detainees at S-21 were questioned about their connections to Khmer Serei.<sup>9</sup> Finally, although notoriously unreliable, 24 civil parties’ applications contain references to the Khmer Sar movement.<sup>10</sup>
  
5. It is the Defence’s case that the Cham people, if arrested, were arrested because of their suspected activities against the DK government, rather than their ethnic, religious or racial status. The requested documents shed light on the background of the three

<sup>6</sup> **E289/2**, Decision on Rule 87(4) Requests, para. 3.

<sup>7</sup> **E3/387**, DC-Cam Interview of OUK Bunchhoeun, p. 7 (ERN 00350206); *see also*, **E3/1593**, B. Kiernan, *The Pol Pot Regime*, p. 68 (ERN 01150031), “At the end of 1974, James Fenton, who interviewed refugees from Region 21, reported in the *Washington Post*: “A group called the *Khmer Saor*, or ‘White Khmers’, had broken away from the Khmer Rouge and taken to the forests, The White Khmers, whose leaders are former Communist officials, are mostly Cham Moslems”; **E3/3328**, W. P. Deac, *Road to the Killing Fields*, pp. 165-166 (ERN 00430745-46).

<sup>8</sup> **E1/351.1**, Transcript (NO Satas), 29 September 2015, pp. 5-6.

<sup>9</sup> **E3/1684**, D Chandler, *Voices from S-21*, pp. 52 (ERN 00192731), 63 (ERN 00192742), 130, (ERN 00192823).

<sup>10</sup> **D22/320b**: Summary of the supplementary information of civil party applicant, 16 Aug 2010; **D22/788b**: Summary of the supplementary information of civil party applicant, 11 Aug 2010; **D22/1381/1**: Victim Unit’s report on civil party applicant 08-VU-00090, 6 May 2009; **D22/1824c**: Summary of the supplementary information of civil party applicant, 6 Aug 2010; **D22/2439/1**: Victim Unit’s report on the civil party applicant, 23 Mar 2010; **D22/3243/1**: Victim Unit’s report on the civil party applicant, 30 Apr 2010; **D230/2.1.702c**: Summary of complaint, 15 Dec 2009; **D230/2.1.663c**: Summary of complaint, 25 Dec 2009; **D230/1.1.755d**: Summary of complaint, 25 Dec 2009; **D230/2.1.704d**: Summary of complaint, 25 Dec 2009; **D230/2.1.724c**: Summary of complaint, 25 Dec 2009; **D230/2.1.725c**: Summary of complaint, 25 Dec 2009; **D230/2.1.793d**: Summary of complaint, 15 Dec 2009; **D230/2.1.799d**: Summary of complaint, 15 Dec 2009; **D230/2.1.21b**: Summary of complaint, 22 Oct 2010; **D230/2/3.1.93b**: Summary of complaint, 22 Oct 2010; **D230/2/2.1.386b**: Summary of complaint, 25 Nov 2010; **D230/2/2.1.87b**: Summary of complaint, 8 Nov 2010; **D230/2/3.1.94b**: Summary of complaint, 22 Oct 2010; **D230/2/3.1.97b**: Summary of complaint, 22 Oct 2010; **D230/2/3.1.304b**: Summary of complaint, 3 Nov 2010; **D230/2/3.1.773b**: Summary of complaint, 22 Oct 2010; **D230/2/3.1.742b**: Summary of complaint, 25 Nov 2010; **E3/5322**: Complaint, 15 Aug 2013.

resistance movements and their potential connections to the Cham community in Cambodia. This type of information may provide insight into the reasons behind the alleged arrests or killings of the Cham people during the DK period and is hence relevant to the alleged genocidal intent on the part of the accused.

6. In his books *Oukoubah* and *The Cham Rebellion*, Osman discussed Khmer Sar, FULRO – including Les Kosem’s involvement in FULRO – and briefly mentioned Khmer Serei.<sup>11</sup> Les Kosem, a Brigadier General, was the most senior Cham official in the Royal Cambodian Army and set out the Champa Liberation Front (*Front de libération du Champa*) in the 50s. He was later involved in the creation of the FULRO and undertook a number of missions abroad, on behalf of Lol Non and the Lon Nol government, in order to create diplomatic ties with Muslim countries. Called as an expert on issues related to the Cham in Cambodia,<sup>12</sup> Mr Osman might be able to assist the Chamber in understanding the three movements and their potential connections to the Cham community.
7. Moreover, in *Oukoubah*, Osman cited Les Kosem as his ultimate source when asserting that the Cham Muslim community in Cambodia had a population of 700,000 before 1975.<sup>13</sup> The requested documents appear to suggest that in 1974, Les Kosem was actively involved in the Lon Nol government’s propaganda efforts to “do all possible” to obtain support from Islamic countries around the world. This may cast doubt on the credibility and accuracy of the figure that Les Kosem announced, which is relevant to the accuracy of Osman’s study on the demographics of the Cham people.
8. When appointing Mr Osman as an expert, the Trial Chamber held that – in addition to examining him on matters within his knowledge or expertise relevant to the treatment of the Cham people<sup>14</sup> – the parties will be able to test Mr Osman’s impartiality and independence during his testimony.<sup>15</sup>
9. The requested documents are necessary for the Defence to be able to fully explore these questions when examining Mr Osman. Their use would result in a more efficient

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<sup>11</sup> See e.g. **E3/1822**, Y. Osman, *Oukoubah*, pp. 20 (ERN 00078468), 28 (ERN 00078476), 45 (ERN 00078493); **E3/2653**, Y. Osman, *The Cham Rebellion*, pp. 15 (ERN 00219076), 128 (ERN 00219189), 168, (ERN 00219229).

<sup>12</sup> **E367**, ‘Decision on Designation of 2-TCE-95’, 15 Sep 2015.

<sup>13</sup> See e.g. **E3/1822**, Y. Osman, *Oukoubah*, pp. 2 (ERN 00078450).

<sup>14</sup> **E367**, ‘Decision on Designation of 2-TCE-95’, 15 Sep 2015, p. 7.

<sup>15</sup> **E367**, ‘Decision on Designation of 2-TCE-95’, 15 Sep 2015, para. 11.

examination of the witness, and would permit the Trial Chamber to have a full picture of Osman's qualifications as an expert witness, and in weighing his evidence. The admission of the documents into the case file will be conducive to the ascertainment of the truth regarding the treatment of the Cham people under the DK government by shedding light on Mr Osman's expertise and his ensuing claims. As described below, the proposed evidence satisfies the requirements for admission under Rule 87(4).

#### **A. Overview of The Requested Documents**

##### ***(i) Document 1: DC-Cam interview of Tit Tum (DC-Cam No D24719)***

10. Document 1 is an interview of Tit Tum by Ysa Osman on behalf of the Documentation Center of Cambodia ("DC-Cam"), wherein he discusses the origin and structure of the Khmer Sar anti-Khmer Rouge rebellion. Tit Tum also discusses the role of Haji Saleh Yahya/Yasya.<sup>16</sup> It is attached to the present request as **Public Attachment 1**.

##### ***(ii) Document 2: Confession of Chek Prahim (DC-Cam No D02687)***

11. Document 2 is a confession from Chek Prahim wherein he discusses the FULRO ('*Front Uni de Lutte de la Race Opprimée*'), its origin, aims and activities. The Defence seeks to tender pages 19, 24, 59, 102, 109, 114 of the confession but annexes the whole document in **Public Attachment 2**.

##### ***(iii) Document 3: The long tragedy of Cham history, Jean-Michel Filippi, 27 March 2012***

12. Document 3 is a blog entry from Jean-Michel Filippi, a linguistic professor in the Royal University of Phnom Penh. He discusses the FULRO, and supports the theory according to which it was created with the support of the American Special Forces. Mr Filippi also discusses the relationship of the FULRO with South Vietnam minorities, and describes it as "a real ideological hodgepodge with demands for autonomy or independence, new borders..." Finally, Mr Filippi discusses the role of General Les Kosem (alias Po Nagar) in relation to the FULRO, and particularly his ideology in creating a Cham state. Document 3 is contained in **Public Attachment 3**.

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<sup>16</sup> See **E3/7404**, S-21 Confession of YI Sales Yasya alias Saleh Saray, senate of Khmer-Islam.

**(iv) Document 4: Article entitled “Cambodia’s Khmer Serei Movement”, by Robert L. Turkoly-Jocic (Spring 1988)**

13. Document 4 was published by *Asian Affairs* in spring 1988<sup>17</sup> and can be found in **Public Attachment 4**. The article discusses the Khmer Serei Movement from an historical point of view, starting from the Indochina war. The author discusses at length the relationship and collaboration between the Civilian Irregular Defense Group (‘CIDG’) of the US Army’s Special Forces and the Khmer Serei.<sup>18</sup> He describes the Khmer Serei as “a formidable military force in the 1960s and 1970s”.

**(v) Document 5: Newspaper article entitled “Leaks tell Cham General’s Tale”, by Joe Freeman (April 2013)**

14. Document 5 is an article published in the *Phnom Penh Post* which summarises the background and role of General Les Kosem (aka Po Nagar),<sup>19</sup> analysing US diplomatic cables recently published by Wikileaks. Mr Freeman describes Mr Kosem’s attempts, in the early 1970s, to gather support from Muslim countries regarding the cause of the Cham. The article was published on 11 April 2013 and is contained in **Public Attachment 5**.

**(vi) Document 6: Cable from US Secretary of States to US Embassies, ‘Conversation with Lon Non’, 7 October 1973**

15. Document 6 is a cable from Secretary of State Henry Kissinger to the US embassies in Phnom Penh, Paris, Saigon, Bangkok, and Vientiane, as well as to the US mission to the UN in New York.<sup>20</sup> The document is contained in **Public Attachment 6** and shows the close cooperation between Brigadier General Lol Non and the US. Mr Kissinger reports on a conversation he had with Lon Non’. Mr Kissinger also reports having spoken about Lol Non and Les Kosem’s activities with FULRO, as well as “several aspects of the Cham question”. Lol Non is reported as having said that “the GKR has made a mistake in not recruiting a division sized Cham unit in 1970 and had otherwise mishandled a number of opportunities to use this important minority in Cambodia”.<sup>21</sup>

<sup>17</sup> *Asian Affairs*, Vol. 15, No. 1, Spring 1988, pp. 48-62.

<sup>18</sup> See e.g. pp. 6, 7, 10-12.

<sup>19</sup> Sometimes spelled as “Kosseem”.

<sup>20</sup> [https://wikileaks.org/plusd/cables/1973STATE199701\\_b.html](https://wikileaks.org/plusd/cables/1973STATE199701_b.html).

<sup>21</sup> Attachment 6, p. 3.

*(vii) Document 7: Cable from Deputy Chief of Mission in the US embassy in Phnom Penh to the US Secretary of State, Keng Vannsak proposes a military government”, 19 October 1973*

16. The document, a cable from the Deputy Chief of Mission in the US embassy in Phnom Penh to the US Secretary of State, the Secretary of Defense, and other recipients including the US embassies in Bangkok, Saigon and Paris,<sup>22</sup> is contained in **Public Attachment 7** and refers to Les Kosem as the “Cham leader”.

*(viii) Document 8: Cable from US Executive Secretary of US Department of State to US embassies, ‘Conversation with Brigadier General Lon Non, April 17, 1974, 20 April 1974*

17. Document 8 is a cable from the US Executive Secretary of the State Department and addressed to the US embassies in Phnom Penh, Jakarta, Kuala Lumpur and Paris.<sup>23</sup> The document is contained in **Public Attachment 8**. It is stated therein that “Lon Non agreed that the GKR should do all possible to convince Moslem countries that the communists were persecuting the Moslem community in Cambodia”.<sup>24</sup> It also refers to Lol Non as acting “as the intermediary for the Marshal and US mission” in matters related to the government composition. Finally, the document refers to Les Kosem, stating that “While Kossem [*sic*] would be invaluable in selecting a civilian Cham delegation, we did not believe that he himself should lead such a group to various Moslem countries in search of GA support because of his military position and his well-known role in the overthrow of Sihanouk”.<sup>25</sup>

*(ix) Document 9: Cable from the US embassy in Jakarta to US Secretary of States and US embassies, ‘GKR program of contacts before 29<sup>th</sup> UNGA’, 30 April 1974*

18. Document 9 is a cable written by the US ambassador in Jakarta and addressed to the US Secretary of State as well as the US embassies in Bangkok, Beirut, Cairo, Jidda, Kuala Lumpur, London, Manila, Paris, Phnom Penh, Saigon, Singapore, Tokyo, Tunis, Algiers and the US UN representative.<sup>26</sup> It can be found in **Public Attachment 9**. Mr Newsom discusses Les Kosem’s efforts in getting support from Islamic countries. He refers to GKR’s plan to “send [an] unofficial Cham (Muslim) delegation to [the] Middle East in [an] effort to bolster GKR position in the 29<sup>th</sup> UNGA”, noting that the delegation would

<sup>22</sup> [https://wikileaks.org/plusd/cables/1973PHNOM11405\\_b.html](https://wikileaks.org/plusd/cables/1973PHNOM11405_b.html).

<sup>23</sup> [https://wikileaks.org/plusd/cables/1974STATE081071\\_b.html](https://wikileaks.org/plusd/cables/1974STATE081071_b.html).

<sup>24</sup> Document 8, p. 1.

<sup>25</sup> Document 8, p. 4.

<sup>26</sup> [https://wikileaks.org/plusd/cables/1974JAKARTA05201\\_b.html](https://wikileaks.org/plusd/cables/1974JAKARTA05201_b.html).

in all likelihood include “BG Les Kossem [*sic*] and Khmer press attaché in Washington Peng Meth Gaffar, both Chams”.<sup>27</sup>

*(x) Document 10: Cable from the US embassy in Phnom Penh to the US Secretary of State, the US embassy in Kuala Lumpur and the US UN representative in New York, ‘Khmer Muslim lobbying efforts in Kuala Lumpur’, 25 June 1974*

19. Document is a cable from the US embassy in Phnom Penh to the US Secretary of State, the US embassy in Kuala Lumpur and the US UN representative in New York.<sup>28</sup> It discusses Les Kosem and the Cham delegation present in Kuala Lumpur. The document can be found in **Public Attachment 10**. It reports that “we had heard from Kuala Lumpur that Les Kossem [*sic*] was not being very active [...] and ought to get busy in the corridors”, referring to Les Kossem’s [*sic*] actions as “lobbying efforts”. The US ambassador in Phnom Penh suggested that Les Kosem be instructed to attempt to get some of the Muslim countries represented at the conference to invite a Cham delegation to visit them.

*(xi) Document 11: Cable from the US embassy in Phnom Penh to the US Secretary of State and the US embassy in Kuala Lumpur, ‘Khmer Muslim lobbying efforts in Kuala Lumpur’, 4 July 1974*

20. Document 11 is a cable from the US embassy in Phnom Penh to the US Secretary of State and the US embassy in Kuala Lumpur.<sup>29</sup> It reports on the efforts by Les Kosem at the Islamic Conference of Kuala Lumpur. The US ambassador notes that Les Kosem met with seven delegation chiefs from Arab countries, stating that the GKR was “quite pleased” with [the] results. It further reports that the Libyan minister for Islamic affairs visited the Khmer Republic and had been driven upcountry by the Prime Minister to “show them [the] extent of GKR control, thereby exploding myth that insurgents control the entire country”.<sup>30</sup> Finally, the Cable also includes Cambodia’s prime minister’s comments that GKR made some progress in presenting its case to Arab countries, “which will hopefully pay off at UNGA”.<sup>31</sup> The document is contained in **Public Attachment 11**.

<sup>27</sup> Document 9, p. 2.

<sup>28</sup> [https://wikileaks.org/plusd/cables/1974PHNOM08594\\_b.html](https://wikileaks.org/plusd/cables/1974PHNOM08594_b.html).

<sup>29</sup> [https://wikileaks.org/plusd/cables/1974PHNOM08945\\_b.html](https://wikileaks.org/plusd/cables/1974PHNOM08945_b.html).

<sup>30</sup> Document 11, p. 2.

<sup>31</sup> Document 11, p. 2.



*(xii) Document 12: Cable from the US embassy in Saudi Arabia to US Secretary of States and US embassies, ‘Cambodian Prime Minister visits Saudi Arabia: possible Saudi recognition’, 2 September 1974*

21. In this cable, the US ambassador in Saudi Arabia reports to the US Secretary of State, as well as the US embassies of Amman, Cairo, Beirut, Phnom Penh, Kuwait, Kuala Lumpur, Jakarta, Bangkok and Singapore about the visit of Cambodia’s Prime Minister, Long Boret, to Saudi Arabia.<sup>32</sup> Long was accompanied with a Cham Muslim delegation, and, according to the cable, “[p]articular attention [was] given during [the] visit to [the] existence of [an] Islamic community within Cambodia and the opposition of this community to communism”.<sup>33</sup> Saudi Arabia’s Sultan is reported as being of the view that Cambodia should be recognised “because it is assisting Muslims rather than oppressing them and because the SAG in general supports anti-communist governments”.<sup>34</sup> The document is contained in **Public Attachment 12**.

*(xiii) Document 13: Newspaper article entitled “March 18, 1970: ‘Revolutionary’ group moves against Sihanouk”, Julio Jeldres, The Cambodia Daily, 18 March 2015*

22. This article, which is contained in **Public Attachment 13**, discusses the 18 March 1970’s coup attempt against Sihanouk and the involvement of Lon Nol, Lon Non and Les Kosem. It also discusses the creation of the Revolutionary Committee headed by Lon Non<sup>35</sup> and its relationship with the US.<sup>36</sup>

*(xiv) Document 14: Newspaper article entitled “Cambodia: Communism alters lifestyle: Cambodia Refugees say Khmer Rouge transforming area”, James Fenton, The Washington Post, 24 November 1974*

23. The article, which can be found in **Public Attachment 14**, discusses the creation of the Khmer Sar in the Kompong Sor area, linking the efforts of division 310 and the East Zone to the Khmer Sar. It also refers to Lon Nol’s efforts in obtaining support for its cause from Muslim countries around the world.<sup>37</sup>

<sup>32</sup> [https://wikileaks.org/plusd/cables/1974JIDDA05055\\_b.html](https://wikileaks.org/plusd/cables/1974JIDDA05055_b.html).

<sup>33</sup> Document 12, p. 2.

<sup>34</sup> Document 12, p. 2.

<sup>35</sup> Document 13, p. 2.

<sup>36</sup> Document 13, p. 3.

<sup>37</sup> Document 14 is referred to in **E3/1593**, Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*, p. 68 (ERN 00678529).

**B. The Requested Documents Were Not Available Before Trial And/Or Must Be Admitted Into Evidence In The Interests of Justice**

24. Documents 3, 5 and 13 were all published after the start of the trial. Although the remainder of the requested documents were published prior to the opening of the trial, the Trial Chamber's decision to appoint Mr Osman as an expert was rendered on 18 September 2015. Further, his appearance as a witness was only confirmed on 25 January 2016.<sup>38</sup> The documents are tendered for the specific purpose of challenging Mr Osman's statements and alleged expertise. As a result, they could not have been tendered earlier.
25. In addition, the requested documents are closely related to material already before the Chamber, including Mr Osman's books.<sup>39</sup> It would be in the interests of justice for the Trial Chamber to evaluate Mr Osman's evidence and his books together with these documents in order to ascertain the truth. They therefore go to the probative value of Mr Osman's evidence. Their admission into evidence would assist the Trial Chamber in shedding light on his expertise, and therefore on the ultimate weight to be given to his evidence.
26. In sum, their review by the Trial Chamber would be conducive of the truth. As a result, and despite the availability of some of them prior to the opening of the trial, it would be in the interests of justice to admit the requested documents into evidence.

**C. The Documents Are Relevant to Case 002/02**

27. All the requested documents relate to the allegations regarding the treatment of the Cham and the charge of genocide.<sup>40</sup> Their contents directly concern Mr Osman's expected evidence during the segment on the treatment of Cham.<sup>41</sup> Further, since Mr Osman has been appointed as an expert witness by the Trial Chamber, he is bound to testify on all matters within his knowledge or expertise relevant to the treatment of the Cham with the utmost neutrality and objectivity.<sup>42</sup>

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<sup>38</sup> E367/3, 28 Jan 2016 (dated 25 Jan 2016).

<sup>39</sup> See *supra*, fn. 10.

<sup>40</sup> D427, Closing Order, 15 Sep 2010, paras. 745-790.

<sup>41</sup> E305/6.4, 'Annex III – OCP Updated Witness, Civil Party and Expert Summaries', p. 47, entry 6.

<sup>42</sup> E215, Experts Decision, para. 15.

**D. The Requested Documents Are Reliable**

28. All of the documents bear *prima facie* indicia of reliability. Documents 1 and 2 were obtained by the Defence from DC-Cam on 23 January 2016; DC-Cam is an established and recognised NGO which has already supplied thousands of documents to the ECCC and whose director and deputy director have already testified before this Chamber in Case 002/01. Document 3 was prepared by Mr Filippi, creator of the Kampot Museum. Document 4 is by a US army retired Lieutenant Colonel who participated in the Korean War and the Vietnam War. He holds a *Doctor of Philosophy degree in International Politics from the University of Wales, United Kingdom*. Joe Freeman, who authored document 5, is a journalist covering politics and the ECCC. Documents 6 to 12 were obtained through the Wikileaks website. Document 13 was authored by Julio Jeldres, the official biographer for the late King Father Norodom Sihanouk and a research fellow at the Monash Asia Institute at Monash University in Melbourne. Lastly, document 14 was written by James Fenton, a writer who witnessed the United States' withdrawal from Vietnam and the Lon Nol regime. In 1976 he became a political correspondent for *The New Statesman*. All documents emanate from reliable sources such as DC-Cam, the *Phnom Penh Post*, the *Cambodia Daily*, the *Washington Post* and *Asian Affairs*.
29. In sum, all the requested documents were written by experts in their fields, and published by renowned newspapers, editors or websites. In light of the above, the Defence respectfully submits that it has demonstrated *prima facie* reliability of the documents.


**IV. RELIEF**

30. For the reasons stated above, the Defence respectfully requests the Trial Chamber to admit the 14 documents which form the basis of this motion into evidence in Case 002/02.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE