

**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:** 20 November 2014



**CLASSIFICATION**

**Classification suggested by the filing party:** PUBLIC  
**Classification of the Trial Chamber:** សាធារណៈ/Public  
**Classification status:**  
**Review of interim classification:**  
**Records officer name:**  
**Signature:**

---

**NUON CHEA RULE 87 REQUEST CONCERNING AN AUDIOVISUAL RECORDING  
OF AN 11 JANUARY 1979 UNITED NATIONS SECURITY COUNCIL MEETING**

---

**Filed by**

**Nuon Chea Defence Team:**  
SON Arun  
Victor KOPPE  
PRUM Phalla  
SUON Visal  
LIV Sovanna  
Doreen CHEN  
Joshua ROSENSWEIG  
Xiaoyang NIE

**Distribution**

**Co-Lawyers for Khieu Samphan:**  
KONG Sam Onn  
Arthur VERCKEN  
Anta GUISSÉ

**Co-Prosecutors:**  
CHEA Leang  
Nicholas KOUMJIAN

**Co-Lawyers for the Civil Parties:**  
PICH Ang  
Marie GUIRAUD

1. Pursuant to ECCC Internal Rule 87(4), the Co-Lawyers for Mr. Nuon Chea (the “Defence”) submits this request (“Request”) to place on the case file an audiovisual recording of an 11 January 1979 UN Security Council meeting (“Security Council Film”).<sup>1</sup>
2. The Security Council Film contains archival footage of an 11 January 1979 Security Council meeting which had been convened in response to a telegram from Democratic Kampuchea (“DK”) concerning the invasion of DK by Vietnam. The meeting featured speeches from several diplomats on this subject, including from the late King Father Norodom Sihanouk as the DK representative, and representatives of the People’s Republic of China, Socialist Republic of Vietnam, among many others.
3. The Security Council Film contains excerpts of the 11 January 1979 meeting. The UN Audiovisual Libraries advised that it is the full record of the meeting on the archive and that the practice for audiovisual records to contain only highlights of a meeting to was in keeping with the Security Council practice at the time, given the cost of film stock. The Security Council Film focuses on the speech of King Father Sihanouk, and the responses of the Chinese ambassador Chen Chu and Vietnamese ambassador Ha Van Lau.
4. The Defence has already requested admission of the full written minutes of the Security Council meeting to the case file in its initial Case 002/02 document list<sup>2</sup> filed on 24 July 2014. In that filing, the Defence indicated that the record of the meeting would be in both written and audiovisual form.
5. The Security Council Film relates to matters that are central to the Nuon Chea’s defence. This Request satisfies the five-factored test set out in Rule 87(3) and incorporated into Rule 87(4) for the admission of new documents onto the case file. In this regard, the Defence specifically notes that while the written minutes of meeting relates to the same subject matter as the Security Council Film, this Request is neither irrelevant, repetitious nor frivolous, since the Security Council Film and the related meeting minutes are in very different forms; the Security Council Film contains rarely-seen footage of a significant event in Cambodia’s history; and the Defence intends to show the Security Council Film to the Trial Chamber judges in court during Case 002/02, which may also serve to benefit the public.

---

<sup>1</sup> Available on the Shared Materials Drive at ERN V01034071.

<sup>2</sup> Doc. No. **E307/5**, ‘Initial Document List for Case 002/02’, 24 Jul 2014.

6. The Defence acknowledges that the Trial Chamber has previously ruled that parties must ordinarily demonstrate that the evidence “was either unavailable prior to the opening of the trial or could not have been discovered with due diligence”<sup>3</sup> in order for documents to be admitted pursuant to Rule 87(4). In this regard, the Defence assures the Trial Chamber that it has undertaken its best endeavours to obtain this footage as quickly as possible. Details of the Defence’s efforts to obtain the Security Council Film are outlined below:
- a. The possible existence of the Security Council Film came to the Defence’s attention in June 2014. After determining that the ECCC Library was willing to order the footage, the Defence proceeded to place the order in early July 2014, which was the earliest available opportunity to do so since the ECCC Library approves orders of new material only twice a year (every January and July).
  - b. The Security Council Film was archived on 16-millimetre film and could only be delivered after being digitally converted by an external provider for a fee to be borne by the ECCC. Given the ECCC’s financial constraints, the footage was only approved for order at the lowest cost (US\$312.70) and longest possible transfer time.
  - c. There was a further delay in delivery since the UN General Assembly’s general debate in late September 2014 disrupted the function of the UN Audiovisual Libraries. The Security Council Film was ultimately delivered to the Defence on 7 October 2014.
  - d. The Defence then attempted to attach the Security Council Film as a supplement to the written minutes of the Security Council meeting already placed on the case file, but learned on 24 October 2014 that the Trial Chamber required the material to be added through a formal request.
  - e. On 17 October 2014, Nuon Chea instructed the Defence not to participate in substantive proceedings in Case 002/02 until a decision on its request to disqualify four Trial Chamber was rendered. Since that decision was notified to the Defence (without reasons) at 4.14pm on Friday, 14 November 2014,<sup>4</sup> the Defence is now in a position to file this Request.

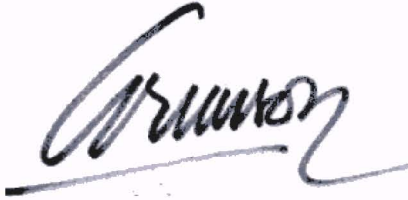
---

<sup>3</sup> Doc. No. **E276/2**, ‘Response to the Internal Rule 87(4) Request of the Co-Prosecutors, Nuon Chea and Khieu Samphan’, 10 Apr 2013, para. 3.

<sup>4</sup> Doc. No. **E314/12**, ‘Decision on Applications for the Disqualification of Trial Chamber Judges’, 14 Nov 2014.

7. The Defence accordingly requests that the Security Council Film be put before the Chamber and admitted as evidence.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE