

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

**FILING DETAILS**

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**NUON CHEA’S FIRST RULE 87(4) REQUEST TO CALL ADDITIONAL WITNESSES  
AND RULE 93 REQUEST FOR ADDITIONAL INVESTIGATIONS IN RELATION TO  
THE CASE 002/02 TRIAL SEGMENT ON S-21 SECURITY CENTRE AND  
“INTERNAL PURGES”**

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## I. INTRODUCTION

1. Pursuant to Rule 87(4) and Rule 93, the Co-Lawyers for Mr. Nuon Chea (the “Defence”) submit this request, with potentially similar requests to follow, to hear six additional witnesses during the trial segment of Case 002/02 in relation to S-21 Security Centre (“S-21 Segment”), which is part of the Security Centres and Internal Purges trial segment (“Internal Purges Segment”), and to conduct additional investigations in connection with this segment.

## II. BACKGROUND

2. On 8 and 9 May 2014, the Defence and the other parties respectively filed updated lists of proposed witnesses, civil parties and experts for Case 002/02.<sup>1</sup>
3. On 15, 16, 17, 22, and 23 June 2015, witnesses KEO Loeur and SEM Hoeun testified before the Trial Chamber (the “Chamber”) about their personal involvement in a rebellion and an attempted coup d’état led by, *inter alia*, Sbauv Him alias Oeun, the commander of Division 310 of the Revolutionary Army of Kampuchea (“RAK”), against the legitimate government of Democratic Kampuchea (“DK”) as well as the subsequent arrests of Oeun and other suspects linked to the rebellion and coup.<sup>2</sup> On 24 June 2015, the Defence announced in court that it may request to hear two additional witnesses – ██████████ (Witness A) and ██████████ (Witness B), who also participated in the rebellion and attempted coup, during the “internal purges” trial segment.<sup>3</sup>
4. On 7 March 2016, the Chamber issued a first list of 9 people scheduled to appear before it either as witness or as civil party in respect of S-21 Security Centre.<sup>4</sup> Based on the current schedule, the first person on this list is expected to appear at the end of March 2016.

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<sup>1</sup> E305/4, ‘Updated Lists and Summaries of Proposed Witnesses, Civil Parties and Experts’, 8 May 2014; E305/5, ‘Témoins et experts proposés par la Défense de M. KHIEU Samphan pour le procès 002/02’, 9 May 2014; E305/6, ‘Co-Prosecutors’ Proposed Witness, Civil Party and Expert List and Summaries for the Trial In Case File 002/02 (With 5 Confidential Annexes I, II, IIA, III and IIIA)’, 9 May 2014; E305/7, ‘Civil Party Lead Co-Lawyers’ Rule 80 Witness, Expert and Civil Party Lists for Case 002/02 With Confidential Annexes’, 9 May 2014.

<sup>2</sup> See, e.g., T. 15 Jun 2015 (KEO Loeur, E1/316.1), pp. 7-8, 33-38; T. 16 Jun 2015 (KEO Loeur, E1/317.1), pp. 10-12; T. 22 Jun 2015 (SEM Hoeun, E1/319.1), pp. 76-85.

<sup>3</sup> T. 24 Jun 2015 (HIM Han, E1/321.1), p. 10, lns. 14-18.

<sup>4</sup> Email from Trial Chamber Senior Legal Officer to Parties, 7 Mar 2016.

### III. APPLICABLE LAW

5. Rule 87(4) enables the Chamber to, at its own initiative or on a party's request, summon a person as a witness who "it deems conducive to ascertaining the truth". The rule requires the Chamber to consider the request's merits in accordance with criteria set out in Rule 87(3). The requesting party, for its part, must satisfy the Chamber that the testimony was unavailable before the opening of the trial.<sup>5</sup> The Chamber has held that where the relevance of a person's testimony was revealed but by "minimal information" before the opening of the trial while more detailed information was only available after the opening of the trial, the testimony in question will be considered unavailable before the opening of the trial.<sup>6</sup> Where testimony was available before the opening of the trial, the Trial Chamber has held that it may nevertheless be admitted "where the interests of justice so require, in particular where it is exculpatory and requires evaluation in order to avoid a miscarriage of justice"<sup>7</sup> or where it "closely relate[s] to material already before the Chamber and ... the interests of justice require the sources to be evaluated together."<sup>8</sup> To satisfy the requirements of Rule 87(3), evidence put before the Trial Chamber need only be *prima facie* relevant and reliable.<sup>9</sup>
6. Rule 93 provides that where deemed necessary, the Chamber "may, at any time, order additional investigations".

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<sup>5</sup> The Chamber specified that the opening of the trial in Case 002 was the initial hearing, which started on 27 June 2011.

<sup>6</sup> T. 7 Dec 2015 (TC Ruling, **E1/363.1**), p. 49, lns. 2-8.

<sup>7</sup> **E307/1**, 'Decision on Parties' Joint Request for Clarification Regarding the Application of Rule 87(4) (E307) and the Nuon Chea Defence Notice of Non-Filing of Updated Lists Evidence (E305/3)', 11 Jun 2014, para. 3; *accord* **E190**, 'Decision Concerning New Documents and Other Related Issues', 30 Apr 2012 ("Decision on New Documents"), para. 36.

<sup>8</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. 3; *accord* **E190**, Decision on New Documents, para. 32.

<sup>9</sup> **E313**, 'Case 002/01 Judgement', 7 Aug 2014, para. 26.

#### IV. ARGUMENT

##### A. New Witnesses

###### i) ██████████ (Witness A)

7. During the DK regime, ██████████ (Witness A) served as a soldier in Division 1 (later Division 310), the commander of which was Euan (also spelled as “Oeun”).<sup>10</sup> When asked about Oeun’s activities, ██████████ (Witness A) stated that:

At that time, he was linked to the Yuon, who wanted to uprising in Phnom Penh. [...] He planned an attack plot. [...] First, he called us for a secret meeting and instructed us that he planned to attack Phnom Penh. He told to deliberate and take control of Phnom Penh. [...] He said that society was not good. [...] 100 combatants including me were called to attend that meeting. [...] I took on a truck full of weapons to meet him in Phnom Penh in the preparation to attack Phnom Penh. Unfortunately, the plot was compromised. [...] Assault force as well as prevention force. We received bullets and munitions from foreign countries.<sup>11</sup>

8. ██████████ (Witness A) stated that they were stationed at Tuol Kouk, preparing to attack Pol Pot. When the plot was exposed, they went to farm paddies at Kab Srov “[i]n order to create a confusing trail” and they would be sent back when “it was safe”.<sup>12</sup>
9. When asked whether he believed that they could defeat Pol Pot, ██████████ (Witness A) stated that:

It was not that easy, I guessed. If we could not defeat Pol Pot we would appeal to Vietnam and called for force at the east under Chakrei to help. [...] First, they planned to attack from inside. When the plot was compromised they planned to call for help from the Yuon.<sup>13</sup>

10. ██████████ (Witness A) used to be part of the forces that stood by to greet foreign visitors in Phnom Penh. He said that among other foreigners, the “Vietnamese also came until the plot was compromised. Then, we started to stir up trouble with Vietnam.”<sup>14</sup>

<sup>10</sup> E3/7535, ‘Documentation Centre of Cambodia’s Interview of ██████████, 20 Jan 2005 (“██████████ DC-Cam Interview”), ERN 00324166.

<sup>11</sup> E3/7535, ██████████ DC-Cam Interview, ERN 00324168.

<sup>12</sup> E3/7535, ██████████ DC-Cam Interview, ERN 00324173.

<sup>13</sup> E3/7535, ██████████ DC-Cam Interview, ERN 00324172.

<sup>14</sup> E3/7535, ██████████ DC-Cam Interview, ERN 00324170.

11. Later in 1978, ██████████ (Witness A), together with troops from the Southwest, participated in the suppression of the uprising of the East Zone troops led by Sao Phim.<sup>15</sup>

*ii) ██████████ (Witness B)*

12. ██████████ (Witness B) joined the North Zone Division 1 led by Oeun in 1974 and was in charge of a company.<sup>16</sup> When asked about Oeun's arrest, ██████████ (Witness B) stated that:

I knew about that at the time of the arrest, but we did not know what to do because we were too far away. If we had been near him, we would have... [...] In late 76, we were going to erupt, but it was exposed. The two North Zone divisions were readied from Wat Phnom northward. The East Zone in charge to the south was ready to fight, but it was exposed, and Khuon ['Koy Thuon'], the Chairman of the North Zone, was arrested.<sup>17</sup>

13. When asked whether "there actually were plans to rebel by Sao Phim, Hou Nim and Hou Yun", ██████████ (Witness B) said:

Yes, there were. They prepared to fight in 76, but we did not know who Angkar was or who the enemy was. They had the troops prepare artillery and small arms to attack, but it was exposed.<sup>18</sup>

14. After the plot was exposed, ██████████ (Witness B)'s husband who was a battalion deputy in Division 310 was arrested and presumably sent to "Tuol Sleng".<sup>19</sup> ██████████ (Witness B) on the other hand was sent to Prey Sar on 18 March 1977, where she and the others were told that all of them were traitors who betrayed and joined the Yuon.<sup>20</sup>

*iii) ██████████ (Witness C)*

15. ██████████ (Witness C) was a soldier in Division 310, the commander of which was Oeun.<sup>21</sup> During the DK period ██████████ (Witness C) used to deliver documents and letters between Kab Srov and the division's headquarters in Phnom Penh.<sup>22</sup> According

<sup>15</sup> E3/7535 ██████████ DC-Cam Interview, ERN 00324183-84.

<sup>16</sup> E3/7540, 'Documentation Centre of Cambodia's Interview ██████████, 25 Nov 2002 ("██████████ DC-Cam Interview"), ERN 00337710-11.

<sup>17</sup> E3/7540, ██████████ DC-Cam Interview, ERN 00337712.

<sup>18</sup> E3/7540, ██████████ DC-Cam Interview, ERN 00337713.

<sup>19</sup> E3/7540, ██████████ DC-Cam Interview, ERN 00337713-14.

<sup>20</sup> E3/7540 ██████████ DC-Cam Interview, ERN 00337715, 00337717.

<sup>21</sup> E3/7523, 'Documentation Centre of Cambodia's Interview of ██████████, 19 Jan 2005 ("██████████ DC-Cam Interview"), ERN 00875544-46, 00875553.

<sup>22</sup> E3/7523 ██████████ DC-Cam Interview, ERN 00875570.

to one of the documents that he secretly read, “there was a plan in which the U.S. would come in and help within 24 hours”.<sup>23</sup> [REDACTED] (Witness C) further stated that:

According to the documents I secretly read, they planned to turn Cambodia into a true democracy. They planned to destroy POL Pot and create new laws, but, after those senior cadres had been arrested, the low-ranking cadres who had participated in organizing the plot became disorganized. [...] The network was cut off. If the plot had been implemented successfully, they all would have survived. According to the documents I read, those who had participated in setting out the plot included Ta Sokh, in the Southwest Zone, Ta SAO Phim and other long-time strugglers.<sup>24</sup>

16. When asked whether Sao Phim took part in the plot with Koy Thuon, [REDACTED] (Witness C) answered: “Yes. According to the plot, they planned to build a new society”.<sup>25</sup>

*iv)* [REDACTED] (*Witness D*)

17. [REDACTED] (Witness D) was a soldier in “Brigade 1” headed by Oeun.<sup>26</sup> He stated that Oeun “cooperated with Thuch’s clique” and that:

They were planning a rebellion. I saw some people holding cannons and rifles. However, later they arrested their clique members in battalions and a regiment.<sup>27</sup>

18. [REDACTED] (Witness D) said that “Thuch stayed at another location. He was going to rebel, but he did not”; the Southwest people “arrested his clique instead”.<sup>28</sup> [REDACTED] (Witness D) was armed with weapons but did not fight in the end because of the arrests that took place at the end of 1976.<sup>29</sup>

*v)* [REDACTED] (*Witness E*)

19. [REDACTED] (Witness E) was a company commander in Division 310.<sup>30</sup> [REDACTED] (Witness E) stated that:

As far as I had heard, KOY Khuon had been under arrest for quite a long time because he had had sexual affairs. I did not know very much about it. I had heard about it from

<sup>23</sup> E3/7523, [REDACTED] DC-Cam Interview, ERN 00875575.

<sup>24</sup> E3/7523, [REDACTED] DC-Cam Interview, ERN 00875575-76.

<sup>25</sup> E3/7523, [REDACTED] DC-Cam Interview, ERN 00875576.

<sup>26</sup> E3/5686, ‘Documentation Centre of Cambodia’s Interview of [REDACTED], 18 Jan 2005 (“[REDACTED] DC-Cam Interview”), ERN 00874668.

<sup>27</sup> E3/5686, [REDACTED] DC-Cam Interview, ERN 00874669.

<sup>28</sup> E3/5686, [REDACTED] DC-Cam Interview, ERN 00874669.

<sup>29</sup> E3/5686, [REDACTED] DC-Cam Interview, ERN 00874669-70.

<sup>30</sup> E3/7583, ‘Documentation Centre of Cambodia’s Interview of [REDACTED], 9 Mar 2003 (“[REDACTED] DC-Cam Interview”), ERN 00876549.

other people. First of all, he had had sexual affairs. Second, his background had been uncovered, so he was arrested.<sup>31</sup>

20. In 1977, before the arrest of Oeun and the others from Division 310, [REDACTED] (Witness E) overheard a meeting held by the commander of his regiment, Song.<sup>32</sup> [REDACTED] (Witness E) stated that:

One day, during my work at Boeng Prayap, I was sitting on the ground floor, and there was a CIA meeting at the house. At that time, I was just back from work, so I did not join them. I overheard them saying, “Do not be too overwhelmed now. Wait until we have accomplished our plots. Then each of you can have 10 wives if you wish.” [...]

It was a treasonous meeting because they were going to stage a rebellion. It was a CIA meeting. At that time, they were planning to attack the POL Pot garrison, but they failed because Ta Oeun, who was in the same clique with HUN Sen, was arrested.<sup>33</sup>

21. [REDACTED] (Witness E) was not arrested because he was “not involved with the subversives”; “[t]hey tested people’s stances before they arrested them”.<sup>34</sup>

vi) [REDACTED] (Witness F)

22. [REDACTED] (Witness F) was a soldier in Division 310, the commander of which was Oeun.<sup>35</sup> In the end of 1975, [REDACTED] (Witness F) requested to be sent back to the base.<sup>36</sup> Later, he was detained in Chiveakpheap village, Baray district, Kampong Thom province for about 3 months and was questioned about “the resistance movements in Siem Reap, which were known as the White Khmer or the Blue Khmer movements”.<sup>37</sup> At one point of time, he also saw troops of his “unit” being transferred to “eliminate the White Khmer movement”.<sup>38</sup> When asked whether Ke Pauk was in favour of the US, [REDACTED] (Witness F) said:

I did not believe that KE Pork had connection with the Americans because he was a radical communist. I may believe that Oeun did so because he was a former captain in the old regime at the same time as TUON Chay.<sup>39</sup>

<sup>31</sup> E3/7583, [REDACTED] DC-Cam Interview, ERN 00876558.

<sup>32</sup> E3/7583, [REDACTED] DC-Cam Interview, ERN 00876558.

<sup>33</sup> E3/7583, [REDACTED] DC-Cam Interview, ERN 00876558-59.

<sup>34</sup> E3/7583, [REDACTED] DC-Cam Interview, ERN 00876560.

<sup>35</sup> E3/2073, ‘Documentation Centre of Cambodia’s Interview of [REDACTED], 24 Jan 2003 (“[REDACTED] DC-Cam Interview”), ERN 00876391, 00876394, 00876396.

<sup>36</sup> E3/2073, [REDACTED] DC-Cam Interview, ERN 00876400.

<sup>37</sup> E3/2073, [REDACTED] DC-Cam Interview, ERN 00876415-18.

<sup>38</sup> E3/2073, [REDACTED] DC-Cam Interview, ERN 00876426-27.

<sup>39</sup> E3/2073, [REDACTED] DC-Cam Interview, ERN 00876433.

23. Based on the record of the interviews conducted by the Documentation Centre of Cambodia (“DC-Cam”) as summarised above, the anticipated evidence that these six witnesses may provide is *prima facie* reliable and relevant. It is relevant not only to “internal purges” in general but also to S-21 in particular because, *inter alia*, evidence on the record suggests that Oeun, Chakrei, Koy Thuon and Hou Nim – who according to these six witnesses were involved in the attempted coup d’état – were all questioned at S-21.<sup>40</sup> The anticipated evidence is also relevant to the heart of the defence case of Mr. Nuon Chea, and in particular, the contention that the DK leadership was divided into conflicting factions, some of which were secretly supported by Vietnam.
24. While the DC-Cam interviews of the six witnesses were made available to the Defence via the electronic interface before the beginning of the trial of Case 002/02, the Defence submits that the instant request is not untimely. Mindful of the unfortunate reality that it is impractical to call all the witnesses whose written statements are available to the parties, the Defence tried to elicit from KEO Loeur and SEM Hoeun evidence that may shed light on the unknown details about the information which was only revealed in a minimal way in the six witnesses’ DC-Cam interviews. However, it transpired that KEO Loeur and SEM Hoeun held limited information possibly due to their very specific part in the rebellion and attempted coup d’état.<sup>41</sup> As a result, the need to hear the six witnesses only became absolute and concrete after the conclusion of the testimonies of KEO Loeur and SEM Hoeun. The Defence informed the Chamber and the parties of its intention to hear more witnesses in relation to the rebellion and attempted coup during the Internal Purges Segment immediately after SEM Hoeun’s testimony.<sup>42</sup> Therefore, it is the Defence submission that the instant request is not untimely.
25. Moreover, each of the six witnesses may provide unique evidence that is unlikely to be obtainable from other witnesses. For instance, ██████████ (Witness A) may testify as to the involvement of Chakrei and Vietnam in the attempted coup; ██████████ (Witness B) may testify as to the involvement of Koy Thuon, Sao Phim, Hou Him and Hou Youn in the attempted coup and their connections; ██████████ (Witness D) may testify as to the role Koy Thuon played in the rebellion; ██████████ (Witness C) may testify as to

<sup>40</sup> See, e.g., E3/1891, ‘Response of Sbauv Him alias Euan, Division 310’ (“Oeun’s Confession”); E3/2791, ‘Response of Chan Chakrei alias Mean, Division 170’ (“Chakrei’s Confession”); E3/3856, ‘Response of Koy Thuon alias Khuon, Minister of Commerce’; E3/1550, ‘Response of Hou Nim alias Phoas, Minister of Propaganda’.

<sup>41</sup> See, e.g., T. 15 Jun 2015 (KEO Loeur, E1/316.1), p. 78, ln. 20 – p. 79, ln. 4; T. 22 Jun 2015 (SEM Hoeun, E1/319.1), p. 81, ln. 23 – p. 82, ln. 9; T. 23 Jun 2015 (SEM Hoeun, E1/320.1), p. 10, lns. 5-15.

<sup>42</sup> See, *supra*, para. 3.

secret documents that revealed the coup plot and the involvement of Sokh and Sao Phim therein; [REDACTED] (Witness E) may testify as to a secret meeting held by his regiment commander and the connection between Oeun and Hun Sen; and [REDACTED] (Witness F) may testify to the conflict between RAK troops and the White Khmer resistance movement. The anticipated evidence of these witnesses is conducive to the ascertaining of the truth and is significant to the defence case. It is in the interest of justice to hear their live evidence.

## **B. Additional Investigations**

26. In addition to witnesses interviewed by DC-Cam, defectors who left Cambodia during the DK regime also provided information on several attempted coups d'état led by opposition factions in DK.

### *i) Secret Meeting Before Siem Reap Bombing*

27. Ben Kiernan mentioned in his book *The Pol Pot Regime* that “a local company commander who defected to Thailand in 1977” revealed a “clandestine meeting” called by the CPK secretary of Sector 106, Pa Thol alias Soth, one day before the Siem Reap Bombing incident in February 1976.<sup>43</sup> This defected officer claimed that at this meeting:

All the soldiers in [Region] 106 wanted to create a rebellion that would allow people to go back and work as they did before the capture of Phnom Penh .... The thought was to start a revolt and to bring back some acceptable practices of the old regime.<sup>44</sup>

28. According to Kiernan, the defector also said that the conspirators at the meeting had “mapped out an escape route to Thailand in case their rebel forces became encircled”.<sup>45</sup>

### *ii) Attempted Coup in Early 1977*

29. Kiernan also revealed in his book that based on the account of a “CPK military defector who reached Thailand at the end of 1977”, Koy Thuon together with the Sector 106 secretary Soth planned a coup in 1976.<sup>46</sup> According to this defector:

At a September 1976 meeting in Oddar Meanchey province, north of Siemreap, Thuon and Soth had planned a coup in Phnom Penh for 1 January 1977. A radio station was set up in Oddar Meanchey to broadcast the appeal for a general uprising.<sup>47</sup>

<sup>43</sup> E3/1593, B. Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79 (Yale University: 1996)* (Pol Pot Regime), corrected, p. 317, ERN 01150165.

<sup>44</sup> E3/1593, Pol Pot Regime, corrected, p. 317, ERN 01150165.

<sup>45</sup> E3/1593, Pol Pot Regime, corrected, p. 318, ERN 01150166.

<sup>46</sup> E3/1593, Pol Pot Regime, corrected, p. 340, ERN 01150177.

30. The coup, which was supposed to take place in early 1977, was likely the same one in which Koy Thuon's one-time protégé Oeun was involved. Kiernan appears to think that this account of the defector could be plausible, because other sources also suggest that Koy Thuon might have briefly escaped house arrest in 1976, before being recaptured and sent to S-21 in January 1977.<sup>48</sup>

**iii) Chan Chakrei's Attempted Coup in 1976**

31. Kiernan also referred to accounts of defectors which reveal the involvement of Chan Chakrei in certain attempted coups d'état:

“Around April 1976,” recalls a former Eastern Zone soldier stationed in Phnom Penh, “artillery was set up at Chbar Ampeou,” [...] The aim was “to bombard Pol Pot’s headquarters.” The soldier continued, “I knew some of the troops who were, involved in this plan, ... They did not know where the orders came from. Anyway, the Center found out about the plan and suppressed it before it could be carried out.”<sup>49</sup>

32. This account of the attempted coup was based on Stephen Heder's interview with [REDACTED] (Defector X), who was a former soldier from Sector 21 in the East Zone and who was stationed in Phnom Penh from May 1975.<sup>50</sup>
33. Referring to other sources, Kiernan added that a 1977 defector reported the involvement of six hundreds of Chakrei's troops in “the mutiny”.<sup>51</sup>
34. As with the anticipated evidence of the six additional witnesses, the potential evidence these defectors might provide on attempted coups d'état by Koy Thuon, Chan Chakrei Oeun and other high-ranking CPK cadres is relevant not only to the “internal purges” in general but also to S-21 Security Centre in particular. Moreover, it is relevant to the heart of the defence case of Mr. Nuon Chea, and in particular, the contention that the DK leadership was divided into conflicting factions, which may, *inter alia*, affect the attribution of responsibility for alleged crimes. The potential live evidence of these defectors is unique and unlikely to be obtained from other sources.
35. Rule 93 gives the Chamber the authority to “*at any time*, order additional investigations” as long as it deems it “necessary” (emphasis added).<sup>52</sup> Investigations into the

<sup>47</sup> E3/1593, Pol Pot Regime, corrected, p. 340, ERN 01150177.

<sup>48</sup> E3/1593, Pol Pot Regime, corrected, p. 325, ERN 01150169, in particular, fn 70.

<sup>49</sup> E3/1593, Pol Pot Regime, corrected, [REDACTED].

<sup>50</sup> E3/1593, Pol Pot Regime, corrected, [REDACTED].

<sup>51</sup> E3/1593, Pol Pot Regime, corrected, [REDACTED].

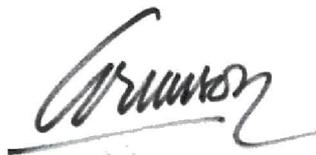
information revealed by the abovementioned defectors are necessary for the purpose of ascertaining the truth and avoiding a miscarriage of justice.

## V. RELIEF

36. For the above reasons, the Defence requests that the Trial Chamber:

- (a) summons [REDACTED] (Witness A), [REDACTED] (Witness B), [REDACTED] (Witness C), [REDACTED] (Witness D), [REDACTED] (Witness E), and [REDACTED] (Witness F) to testify in the S-21 Segment; and
- (b) order additional investigations to identify and locate: i) the defectors mentioned in paragraphs 27-33, and ii) any available records of relevant interviews of these defectors.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE

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<sup>52</sup> In contrast to Rule 87, Rule 93 does not set up time limits for additional investigations. Indeed, the Chamber has exercised its power under Rule 93 notwithstanding the late stage at which it was seized of the matter. *See*, e.g., **E266/3**, 'Trial Chamber Memo on Co-Prosecutors' Internal Rule 93 Request in relation to Potential Witness NOU Mouk and Request to Hear His Testimony', 29 May 2013.