

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

**FILING DETAILS**

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**NUON CHEA'S RULE 87(4) REQUEST TO SUMMONS PATRICK HEUVELINE AS  
A DEMOGRAPHICS EXPERT IN CASE 002/02 AND TO HAVE TWO RELATED  
DOCUMENTS ADMITTED INTO EVIDENCE**

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## I. INTRODUCTION

1. Pursuant to Internal Rules 87(3), 87(4) and 31(10), the Co-Lawyers for Mr. Nuon Chea (the “Defence”) hereby request the Trial Chamber to:
  - (a) summons and hear Mr Patrick Heuveline<sup>1</sup> as an expert in relation to the issue of the death toll during Democratic Kampuchea (“DK”) and to the Case 002/02 trial segments related to Cooperatives, Worksites, the Treatments of Targeted Groups and the Security Centres and “Internal Purges”, and
  - (b) have two related documents admitted into evidence (the “Request”).

## II. BACKGROUND

2. On 29 August 2016, the Trial Chamber requested oral submissions on parties’ requests to hear testimony of Ewa Tabeau<sup>2</sup>. The Chamber noted that Ewa Tabeau’s Report contains “a level of uncertainty” when dealing with the issue of the Cham and Vietnamese death toll.<sup>3</sup> Contacted by the Trial Chamber, Ewa Tabeau informed the Chamber that no new statistical information regarding the period between the two censuses of 1962 and 1998 that would assist her in providing more accurate data regarding the death toll of the Cham and the Vietnamese has become available since she issued her report.
3. On 1 September 2016, the Parties made oral submissions in this regard. The International Co-Prosecutors submitted that, due to the uncertainty of the data pointed out by the Chamber with regard to the death toll of the Cham and the Vietnamese, there was no point to call her to testify as an expert anymore. The Defence also submitted that Ewa Tabeau should not be called anymore and noted that, in her communication to the Trial Chamber, she referred to a recent article of Patrick Heuveline as one of the new publications relevant to the issue of the death toll during the DK. The Defence further

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<sup>1</sup> Given that the Defence has identified Mr. Heuveline and its intention to request Mr. Heuveline as an expert witness in public hearings, the Defence submits that the need to protect the identity of this particular expert witness is now moot and accordingly refers to him by name throughout this Request.

<sup>2</sup> The Defence notes that the identity of Mrs Ewa Tabeau has been referred to publicly at the hearing of 1 September 2016, (*see* Draft T. 1 Sept 2016 at [10.22.46], p.36, ln 22 and [10.31.08], p 41, ln 5.) and that the Trial Chamber decided not to call her to testify. Accordingly, the Defence understands that it can refer to her name without using her pseudonym anymore.

<sup>3</sup> E3/2413, ‘Demographics Expert Report, Khmer Rouge Victims in Cambodia, April 1975-January 1979, A Critical Assessment of Major Estimates’ (“Demographics Expert Report”), 30 Sep 2009.

noted that Ewa Tabeau said that she will need “several months”<sup>4</sup> to review and analyse this article, along with all the new material, in order to update her report. The Defence stated that Patrick Heuveline, who has an extensive academic record as a demographer and whose analysis regarding the DK death toll is, by Ewa Tabeau’s own admission, the most up to date, should be called as an expert in replacement of Ewa Tabeau.<sup>5</sup>

4. On 7 September 2016, the Chamber invited the Defence, should it want to summons Patrick Heuveline as an expert, to submit written submissions identifying “the specific facts to which Mr. Heuveline’s proposed evidence relates and the legal relevance of those facts.”<sup>6</sup> On 8 September 2016, the Defence confirmed, during oral submissions on a different matter, that it intended to file the instant Request.<sup>7</sup> On 13 September 2016, the Trial Chamber informed the Parties that it had decided not to call Ewa Tabeau to testify.<sup>8</sup>

### III. APPLICABLE LAW

#### A. Summoning a New Expert

5. At all times, the Trial Chamber must ensure that trials are fair and expeditious, and are conducted with full respect for the rights of the Accused and the protection of victims and witnesses. In particular, the President of the Chamber shall guarantee the free exercise of defence rights, pursuant to Rule 85(1) of the Internal Rules.
6. Each accused before the Court is entitled to have adequate time and facilities for the preparation of their Defence, to examine evidence against them and to obtain the presentation and examination of evidence on their behalf under the same conditions as evidence against them. It is the duty of the Trial Chamber to protect those rights, and to ensure that trials are fair and expeditious and are conducted with full respect for the rights of the accused and for the protection of victims and witnesses. In particular, the President of the Chamber shall guarantee the free exercise of the Defence rights.<sup>9</sup>
7. Rule 31(10) of the Internal Rules entitles the Parties to request the Chamber to appoint additional experts “to conduct new examinations or to re-examine a matter already the subject of an expert report.”<sup>10</sup> The Trial Chamber found that an expert is an “individual

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<sup>4</sup> **E371/2**, ‘Request for Oral Submissions on Parties’ Requests to Hear Testimony of 2-TCE-93Ewa Tabeau’, 29 Aug 2016, ERN 01324584.

<sup>5</sup> Draft Transcript, 1 Sep 2016, [09.50.14] to [10.55.43], pp 22-54.

<sup>6</sup> Email from the Trial Chamber Senior Legal Officer to the Parties, 7 Sep 2016 (**Attachment 1**).

<sup>7</sup> Draft Transcript, 8 Sep 2016, p. 54, Ins. 11-14.

<sup>8</sup> Email from the Trial Chamber Senior Legal Officer to the Parties, 13 Sep 2016 (**Attachment 2**).

that has specialised knowledge, experience or skills that could assist a chamber in its understanding of specific issues in dispute requiring special knowledge in a specific field”.<sup>11</sup>

8. 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>12</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>13</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>14</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>15</sup> To satisfy the requirements of Rule 87(3), evidence put before the Trial Chamber need only be prima facie relevant and reliable.<sup>16</sup>

## B. Admission of New Documents

9. All evidence is admissible, unless otherwise provided in the Internal Rules.<sup>17</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

<sup>9</sup> Internal Rule 85(1).

<sup>10</sup> Rule 31(10) of the Internal Rules.

<sup>11</sup> **E367**, ‘Decision on Designation of 2-TCE-95’, 18 Sep 2015, para. 7; *see also* **E215**, ‘Decision on Assignment of Experts’, 5 Jul 2012, para. 15.

<sup>12</sup> The Chamber specified that the opening of the trial in Case 002 was the initial hearing, which started on 27 June 2011.

<sup>13</sup> T. 7 Dec 2015 (TC Ruling, **E1/363.1**), p. 49, Ins. 2-8.

<sup>14</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>15</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>16</sup> **E313**, ‘Case 002/01 Judgement’, 7 Aug 2014, para. 26.

<sup>17</sup> Rule 87(1) of the Internal Rules.

proceedings or is frivolous.<sup>18</sup> To satisfy the requirements of Rule 87(3), the proposed evidence needs only be *prima facie* relevant and reliable.<sup>19</sup> 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>20</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 it 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.<sup>21</sup>

10. 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 was exculpatory and required evaluation to avoid a miscarriage of justice; or where the other parties did not object to the evidence.<sup>22</sup>

#### IV. ARGUMENTS

##### A. Request to Call Patrick Heuveline as an Expert

###### (i) *The Relevance of Patrick Heuveline’s testimony to the Facts at Issue in Case 002/02*

11. **The importance of the demographic issue in Case 002/02:** The Defence submits that demographics and the overall death toll during the temporal jurisdiction of the Court is a key issue in Case 002/02. Both the Closing Order and the Case 002/01 Judgement mentioned a qualified overall death toll<sup>23</sup>, and the Closing Order also presents death tolls for specific crime sites and segments included in the scope of Case 002/02, for example S-21 Security Centre,<sup>24</sup> Kraing Ta Chan Security Centre,<sup>25</sup> and the treatment of the Cham<sup>26</sup> and the Vietnamese.<sup>27</sup> Since the beginning of the proceedings in Case 002, the Defence has vehemently challenged those findings. Indeed, the Defence submits that an accurate death toll isolating excess deaths imputable to the DK regime during the

<sup>18</sup> Rule 87(3) of the Internal Rules.

<sup>19</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 Samphân’s Response (E289/1)’, 14 Jun 2013, para. 26 (“Decision on Rule 87(4) Requests”).

<sup>20</sup> see T. 26 Jan 2016 (PRUM Sarat, E1/382.1), p. 24, lns. 11-13.

<sup>21</sup> E313, ‘Case 002/01 Judgement’, 7 Aug 2014, para. 25; E289/2, Decision on Rule 87(4) Requests, para. 3.

<sup>22</sup> E289/2, Decision on Rule 87(4) Requests, para. 3.

<sup>23</sup> D427, Closing Order, para 1360 and Case 002/01 Judgment, para 174.

<sup>24</sup> D427, Closing Order, para 460.

<sup>25</sup> D427, Closing Order, para 514.

<sup>26</sup> D427, Closing Order paras 758, 759, 783.

<sup>27</sup> D427, Closing Order, paras 792, 802.

period 17 April 1975 to 7 January 1979 requires examining many variables such as the United States aerial bombing campaign and the pre 1975 civil-war which led to deplorable living conditions, starvation and disease outbreaks. To date, such a careful examination has not been carried out within the context of the proceedings. As a matter of fact, the Defence considers that, “the numbers of excess deaths and direct deaths, indirect deaths attributed to the DK regime are way excessive”<sup>28</sup> and that, in any case, it is merely impossible to reach any quantifiable conclusion, in the absence of official census at the relevant dates or at least close to the relevant dates,

12. The International Co-Prosecutor argued that findings in demographics were irrelevant to the crimes charged and to the criminal responsibility of the Mr Nuon Chea.<sup>29</sup> Beyond the crucial importance of the historical dimension of the case, the Defence also submits that the number of deaths has legal implications when assessing, for example, the intent of Nuon Chea when implementing a specific policy if such policy was to exist.
13. **Patrick Heuveline’s evidence on death toll during the temporal jurisdiction:** Patrick Heuveline has published three articles related to the general death toll during the DK. Two of those articles are already in the case file<sup>30</sup> while the last one has been requested to be admitted by the Co-Prosecutors.<sup>31</sup> In his two first articles, Patrick Heuveline, using his own model of “demographic reconstruction”, reached a conclusion limited to a broad estimate of between of 1.17 million and 3.42 million total deaths for the entire period of 1970-79.<sup>32</sup> Echoing his uncertainty regarding the period from 1970-75, he explains, “[t]he method of demographic reconstruction does not allow us to assess the temporal distribution of excess mortality within the decade”.<sup>33</sup> Further, Heuveline examined violent death due to the other variables that affected Cambodian demographics in the 1970s, namely “the 1970-72 anti-Vietnamese pogroms, [...] the 1973 American bombings, and [...] the civil war leading to the “Khmer Rouge”

<sup>28</sup> Draft T. 1 Sept 2016, p. 24, lns 15-17.

<sup>29</sup> Draft T. 1 Sep 2016, [10.27.04] pp 39-40

<sup>30</sup> **E3/1798**, Patrick Heuveline, ‘The Unbearable Uncertainty of Numbers: Estimating the Death Toll of the Khmer Rouge Period’, 1998; **E3/1799**, Patrick Heuveline, ‘Between One and Three Million: Towards the Demographic Reconstruction of a Decade of Cambodian History (1970-1979)’, 1998.

<sup>31</sup> **E415**, ‘Co-Prosecutors’ Rule 87 (4) Request to Admit Documents Relevant to the Testimony of Michael Vickery and Henri Locard, 13 Jul 2016; **E415/2.2.2**, Patrick Heuveline, ‘The Boundaries of Genocide: Quantifying the Uncertainty of the Death Toll During the Pol Pot Regime in Cambodia (1975-1979)’, 2015 (*“The Boundaries of Genocide”*).

<sup>32</sup> **E3/1799**, Patrick Heuveline, ‘Between One and Three Million: Towards the Demographic Reconstruction of a Decade of Cambodian History (1970-1979)’, 1998 (*“Between One and Three Million”*), ERN 00096731.

<sup>33</sup> **E3/1799**, Heuveline, *Between One and Three Million*, ERN 00096733-34.

victory.<sup>34</sup>

14. In his latest article to which Ewa Tabeau referred in her communication to the Trial Chamber, *The Boundaries of Genocide*, Patrick Heuveline provides an overview of the previous estimates regarding the number of excess deaths during the DK regime and describes the various methods which can be used to obtain demographic data on deaths.<sup>35</sup> Heuveline also provides a table summarising the previously undertaken estimates, including that of Michael Vickery,<sup>36</sup> who has been appointed as an expert by the Trial Chamber but refused to come to testify,<sup>37</sup> and that of the National Foreign Assessment Center of the Central Intelligence Agency in the United States carried out in 1980 (the “CIA Demographics Report”)<sup>38</sup> which the Defence requests to have admitted into evidence.<sup>39</sup>
15. Heuveline qualifies Vickery’s estimates as “a collection of point estimates, each one with its own uncertainty, unstated and unrecoverable from the published documentation.”<sup>40</sup> Finally, Heuveline found that there is a median estimate of 1.90 million excess deaths during the DK regime<sup>41</sup> but concluded by stating that “the uncertainty surrounding estimates of the PPR (DK) death toll is substantial”.<sup>42</sup> The Defence disputes these findings.
16. The Defence submits that Patrick Heuveline can nevertheless assist the Chamber and the parties in understanding the different methods used by previous researchers who reached narrower quantifiable conclusions and in assessing the reliability of those findings in the absence of both comprehensive forensic investigations and relevant censuses.<sup>43</sup> Patrick Heuveline may also be able to shed light on the number of deaths put forward by various experts for each of the abovementioned Case 002/02 trial segments.

<sup>34</sup> E3/1799, Heuvelinc, *Between One and Three Million*, ERN 00096734.

<sup>35</sup> E415/2.2.2, Heuvelinc, *The Boundaries of Genocide*.

<sup>36</sup> E415/2.2.2, Heuvelinc, *The Boundaries of Genocide*, ERN 01304754, Table 1.

<sup>37</sup> Email from the Trial Chamber Legal Officer to the Parties, 15 July 2016. (**Attachment 3**).

<sup>38</sup> National Foreign Assessment Center, Kampuchea: A Demographic Catastrophe, 17 Jan 1980 (‘CIA Demographics Report’). (**Attachment 4**).

<sup>39</sup> See *infra* paras 22-25.

<sup>40</sup> E415/2.2.2, EN 01304754, Table 1.

<sup>41</sup> E415/2.2.2, Heuvelinc, *The Boundaries of Genocide*, ERN 01304761.

<sup>42</sup> *Ibid*, ERN 01304764.

<sup>43</sup> E.g. T. 25 Jul 2012 (David CHANDLER), pp. 9-12; T. 10 Apr 2013 (François PONCHAUD), pp. 75-76 ; E3/1801, B. SHARP: Counting Hell, ERN 00078288.

17. **The relevance of Patrick Heuveline’s testimony with regard to Ewa Tabeau’s report:** The Defence notes that although Ewa Tabeau will not be called to testify, her report has been admitted into evidence by the Trial Chamber.<sup>44</sup> This report has been extensively relied on during the Case 002 proceedings. Indeed, the Closing Order relied exclusively on Ewa Tabeau’s report to find that the DK “system resulted in millions of victims, including 1.7 to 2.2 million deaths, of which some 800,000 were violent”.<sup>45</sup> The Trial Chamber also relied on Ewa Tabeau’s report in the Case 002/01 Judgement.<sup>46</sup> Therefore, despite the Trial Chamber’s decision not to call Ewa Tabeau and its comments related to the “significant degree of uncertainty” of her findings<sup>47</sup>, it is reasonable for the Defence to conclude that her report will be relied upon in the Case 002/02 judgement.
18. Following on from the right of the accused to discuss evidence adduced against him, the Defence is entitled to challenge Ewa Tabeau’s report and to confront another demographic expert with her report. In light with the reasons provided above, the Defence submits that Patrick Heuveline, who is referred to by Ewa Tabeau as the last academic having published a paper on death toll during the DK, is best positioned to provide testimony on Ewa Tabeau’s findings.

*(ii) The Reliability of Patrick Heuveline*

19. Patrick Heuveline’s Curriculum Vitae reveals his academic qualifications and his extensive experience as a demographer.<sup>48</sup> Indeed, Patrick Heuveline, who holds a PhD in sociology and demography, is currently a Professor of Sociology at the University of California Los Angeles. Ewa Tabeau acknowledged that he is a “quantitative demographer, with outstanding academic and high-level international references.”<sup>49</sup> Indeed, the Co-Prosecutors, seeking the admission into evidence of his last article, submitted that Patrick Heuveline is “a recognized demographic expert”.<sup>50</sup> According to his experience and qualifications, the Defence submits that Patrick Heuveline meets the requirements to be summonsed as an expert before the Trial Chamber.

<sup>44</sup> E3/2413, ‘Demographics Expert Report’.

<sup>45</sup> D427, Closing Order, para 1360 and Fn 5258.

<sup>46</sup> E313, Case 002/01 Judgement, paras 173-174 and Fns 520,521,522 and 523)

<sup>47</sup> E371/2, ‘Request for Oral Submissions on Parties’ Requests to Hear Testimony of Ewa Tabeau’, 29 Aug 2016.

<sup>48</sup> Patrick Heuveline’s Curriculum Vitae (Attachment 5).

<sup>49</sup> E3/2413, Demographics Expert Report, ERN 00385248.

<sup>50</sup> E415/2, Co-Prosecutors’ Rule 87(4) Request to Admit Documents Relevant to the Testimony of Michael Vickery and Henri Locard, 13 July 2016, para 5.



## **B. Request to Schedule Patrick Heuveline to Testify After the Appearance of (2-TCE-1062)**

20. On 23 May 2016, the Chamber granted the Defence's request to call (2-TCE-1062) to testify about the methodology he used for his study on the bones of human remains found at Choeung Ek.<sup>51</sup> On 23 August 2016, the Trial Chamber notified the parties that it was considering calling (2-TCE-1062) in the capacity of an expert witness and invited the parties to make submissions as to his qualifications in this regard.<sup>52</sup> The Chamber has not yet scheduled the appearance of (2-TCE-1062) nor has it issued a decision regarding his status.
21. Should the Chamber grant the instant Request to call Patrick Heuveline to testify, the Defence requests that he be called after the appearance of (2-TCE-1062). Indeed, the Defence submits that Patrick Heuveline, as an expert in demographics, will be able to provide crucial insight to the Chamber as to (2-TCE-1062)'s testimony in court regarding the methodology he adopted in carrying out the Choeung Ek bone study.

## **C. Request to Admit Three Related Documents into Evidence**

### ***(i) CIA Demographics Report***

22. **Overview of the document:** The first document the Defence wishes to have admitted into evidence is a research paper prepared by the National Foreign Assessment Center of the Central Intelligence Agency in the United States, dated 19 January 1980 (the "CIA Demographics Report").<sup>53</sup> This report discusses the demographic data available at the time and provides a comparison in the death tolls during the Lon Nol regime, the DK, and the post-1979 Vietnamese occupation.<sup>54</sup> This document constitutes one of the earliest demographic analysis of the DK regime, and, as explained in more details below, has been widely relied upon in posterior demographic publications.<sup>55</sup>
23. The document is relevant: The Defence submits that the CIA Demographics Report is closely related to a large number of documents which form part of the case file and which relate to the death toll estimate during the DK regime, including the expert report

<sup>51</sup> **E404/4**, Trial Chamber Memorandum entitled "Decision on the Admission Into Evidence of the Choeung Ek Study Document", 23 May 2016.

<sup>52</sup> **E404/5**, 'Mr. 2-TCE-1062 (CONFIDENTIAL)', 23 Aug 2016, ERN 01321008.

<sup>53</sup> CIA Demographics Report. (**Attachment 4**).

<sup>54</sup> CIA Demographics Report, pp. 4-6, (**Attachment 4**).

<sup>55</sup> **E3/2413**, Demographics Expert Report, ERN 00385248: "The CIA report of 1980 was the first one after the fall of Khmer Rouge to come up with what it then seemed highly reliable and detailed figures on the population of Cambodia between 1970 and 1979."

of Ewa Tabeau;<sup>56</sup> the book of expert witness Ysa Osman;<sup>57</sup> publications by Ben Kiernan,<sup>58</sup> Bruce Sharp,<sup>59</sup> Craig Etcheson,<sup>60</sup> and Marek Sliwinski;<sup>61</sup> and the recent bone study undertaken at Choeung Ek led by (2-TCE-1062).<sup>62</sup> In particular, the CIA Demographics Report is referenced in nearly all discussions regarding demographics in Cambodia,<sup>63</sup> and has also been relied upon by Michael Vickery.<sup>64</sup>

24. **The document is reliable and authentic:** Further, the Defence is of the view that, this document is reliable. The CIA Demographics Report, as aforementioned, was authored by the United States National Foreign Assessment Center, a branch of the Central Intelligence Agency, on 17 January 1980 and is referred to in nearly all the publications which discuss the demographics during the DK regime. It also contains detailed information regarding the methodology used,<sup>65</sup> and therefore bears all indicia of authenticity and reliability.
25. **The document must be admitted into evidence in the interests of justice:** The trial in Case 002/02 commenced in June 2011. While the CIA Demographics Report was available prior to the start of the trial, the Defence did not mean to request for it until the potential appearance of a demographics expert. In any event, the CIA Demographics Report provides the basis for a number of assertions contained in publications which have been admitted onto the case file.<sup>66</sup> It is therefore closely related to other material before the Trial Chamber, it must be admitted into evidence in the interests of justice so that they can be evaluated together.

**(ii) Article by Patrick Heuveline on the DK Death Toll**

26. The Defence seeks the admission into evidence Patrick Heuveline's most recent article related to the death toll during DK. The Co-Prosecutors have also sought to tender this

<sup>56</sup> E3/2413, Demographic Expertise Report.

<sup>57</sup> E3/1822, Ysa Osman, *Oukoubah: Justice of the Cham Muslims under the Democratic Kampuchea Regime*.

<sup>58</sup> E3/9686, Ben Kiernan, *Genocide and Resistance in Southeast Asia*.

<sup>59</sup> E3/1801, Bruce Sharp, 'Counting Hell'.

<sup>60</sup> E3/1813, Craig Etcheson *After the Killing Fields*.

<sup>61</sup> E3/1821, Marek Sliwinski, *Le Génocide Khmer Rouge, une analyse démographique*.

<sup>62</sup> E404/4/2.2, 'Skull by skull, team catalogues KR killings'; see also the documents admitted into evidence in E404/4, 'Decision on the Admission into Evidence of the Choeung Ek Study Documents', 23 May 2016, which do not have an exhibit number assigned yet.

<sup>63</sup> E3/1801, Bruce Sharp, 'Counting Hell', ERN 00078267; E3/1813, Craig Etcheson, *After the Killing Fields*, ERN 00078936; E3/2376, Nayan Chanda, *Brother Enemy: The War After the War*, ERN 00192624; E3/2413, Demographic Experts' Report, ERN 00385333; E3/3304, Ben Kiernan, 'Genocide and Democracy in Cambodia', ERN 00430353.

<sup>64</sup> E3/1757, 'Cambodia 1975-1982', Michael Vickery, fn 90, ERN 00397243.

<sup>65</sup> CIA Demographics Report, pp. 6-7, (Attachment 4).

<sup>66</sup> See supra, at para 23

document into evidence.<sup>67</sup> In addition to the above-mentioned description,<sup>68</sup> the Defence submits that Patrick Heuveline's article is closely related to material already in the case file and in particular, his two previous studies of death toll during the DK.<sup>69</sup> This article is authored by Patrick Heuveline, who, as aforementioned, is a professor of sociology and member of the California Center for Population Research in the University of California Los Angeles.<sup>70</sup> The Defence thus submits that this document is reliable. Finally, this article was published in 2015, and was therefore not available to the Defence prior the start of the trial.

#### V. RELIEF

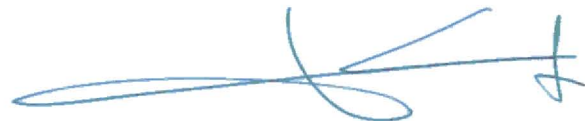
27. For the reasons stated above, the Defence requests that the Trial Chamber:

- (a) summons Patrick Heuveline to testify;
- (b) schedule Patrick Heuveline's appearance after the appearance of 2-TCE-1062; and
- (c) admit the two abovementioned documents into evidence in Case 002/02.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE

<sup>67</sup> **E415**, 'Co-Prosecutors' Rule 87 (4) Request to Admit Documents Relevant to the Testimony of Michael Vickery and Henri Locard, 13 July 2016; **E415/2.2.2**, Heuveline, *The Boundaries of Genocide*.

<sup>68</sup> *See supra*, at paras 13-14.

<sup>69</sup> **E3/1798**, Patrick Heuveline, *The Unbearable Uncertainty of Numbers: Estimating the Death Toll of the Khmer Rouge Period*, 1998; **E3/1799**, Patrick Heuveline, *Between One and Three Million: Towards the Demographic Reconstruction of a Decade of Cambodian History (1970-1979)*, 1998

<sup>70</sup> Patrick Heuveline's Curriculum Vitae (**Attachment 5**).