

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC **Party Filing:** Co-Prosecutors
Filed to: Trial Chamber **Original Language:** English
Date of document: 5 December 2011

CLASSIFICATION

**Classification of the document
suggested by the filing party:**

PUBLIC

Classification by Trial Chamber:

សាធារណៈ/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**CO-PROSECUTORS' DISCLOSURE OF A KHIEU SAMPHAN VIDEO INTERVIEW
AND BOOK ENTITLED 'BEHIND THE KILLING FIELDS : A KHMER ROUGE
LEADER AND ONE OF HIS VICTIMS' BY GINA CHON AND THET SEMBATH**

Filed by:

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Distributed to:

Trial Chamber
Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Copied to:

Accused
NUON Chea
IENG Sary
KHIEU Samphan


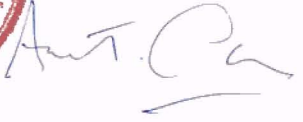
Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
Kong Sam Onn
Jacques VERGES

REQUEST

1. Pursuant to Internal Rules 92 and 87(4), the Co-Prosecutors request that the Trial Chamber place on the Case File the following attached material:
 - 1) Video interview with the accused Khieu Samphan (**Annex 1**).
 - 2) Book 'Behind the Killing Fields: A Khmer Rouge Leader and One of His Victims' by Gina Chon and Thet Sambath (**Annex 2**)
2. The interview with Khieu Samphan is relevant to ascertaining the truth of the allegations addressed in the first trial. It contains statements from Khieu Samphan relating to the historical background of the DK period, the roles and responsibilities of the Accused before, during and after the DK period, the structure of DK and the policies of the DK government including the policy relating to the forced transfer of the civilian population.
3. The interview was not available to the Co-Prosecutors before the opening of the trial on 27 June 2011. The video was posted online by a third party claiming to be Khieu Samphan and discovered by the Office of the Co-Prosecutors on 1 November 2011. In total it consists of eight hours and 24 minutes of footage, which appears to have been taken on two separate days. Khieu Samphan is the only person that appears on the screen, though the voice of an unidentified male interviewer can be heard putting questions to him.
4. The book by Gina Chon and Thet Sambath is based in large part on interviews with Nuon Chea. This book is also relevant to ascertaining the truth of the allegations addressed in the first trial. It contains statements from Nuon Chea relating to the historical background of the DK period, the roles and responsibilities of the Accused before, during and after the DK period, the structure of DK and the policies of the DK government including the policy relating to the forced transfer of the civilian population.
5. The Co-Prosecutors first became aware of this book on Wednesday 30 November 2011 in the ECCC library. The library had acquired the book in August 2011. The book was published in 2010. Consequently on Friday 2 December 2011 the Co-Prosecutors disclosed an electronic version of this book via email to the Trial Chamber and all the parties.
6. In the circumstances, the OCP was unable to include the video or the book in its last document list filed to the Trial Chamber on 1 November 2011 relating to those documents

to be put before the Chamber in the first 3 weeks of trial.¹ It is therefore requested that the Chamber places the video interview and book on the Case File.

Respectfully submitted,

Date	Name	Place	Signature
5 December 2011	CHEA Leang Co-Prosecutor	Phnom Penh	
	Andrew CAYLEY Co-Prosecutor		

¹ **E131/1/4** Co-Prosecutors' Notification of Documents to be put before the Chamber in Connection with Those Witnesses and Experts Who May Be Called During the First Three Weeks of Trial, 1 November 2011.