

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

FILING DETAIL

Case no: 002/19-09-2007-ECCC-TC
Filing party: Nuon Chea Defence Team
Filed to: Trial Chamber
Original language: English
Date of document: 22 February 2013



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:

**REQUEST TO SUMMON TCW-223 AS A CHARACTER WITNESSES ON BEHALF
OF NUON CHEA**

Filed by

Nuon Chea Defence Team:
SON Arun
Victor KOPPE
Joshua ROSENSWEIG
Forest O'NEILL-GREENBERG
Sofie HOGESTOL
Renee DE GEUS

Distribution

Co-Accused

Co-Prosecutors:
CHEA Leang
Andrew CAYLEY

Co-Lawyers for Civil Parties:
PICH Ang
Elisabeth SIMONNEAU-FORT

The Co-Lawyers for Nuon Chea ('the Defence') hereby submit this request that the Trial Chamber summon TCW-223 to appear as Nuon Chea's sole character witness in Case 002:

1. On 7 February 2013, the Trial Chamber instructed the Accused persons to provide to the Chamber a list of character witnesses by 22 February 2013.¹ The Defence has only one such witness: TCW-223.
2. In light of the nature and seriousness of the allegations at issue in Case 002, Nuon Chea does not believe that generic testimony as to his personal traits or relationships is essential. Nuon Chea has decided instead to ask the Chamber to summon TCW-223, who is able to speak more specifically to the genuine nature of his dedication to the Cambodian socialist revolution and his objectives in that regard.
3. Nuon Chea's relationship with TCW-223 dates to before the Geneva Conference, some 60 years ago. Beginning at that time, when he was already a member of the Indochinese Communist Party, Nuon Chea worked closely with TCW-223. According to Nuon Chea, TCW-223 acted as his messenger. The two men saw one another at least once per month. Among TCW-223's duties was that he accompany Nuon Chea to the Vietnamese border when Nuon Chea made such trips. Although multiple messengers or bodyguards participated in those trips, it was TCW-223 who travelled directly with Nuon Chea. Nuon Chea says that his 'life absolutely depended' on TCW-223. TCW-223 has told Ben Kiernan that in the 1960s, he accompanied Nuon Chea to 'every Center meeting to the base.'²
4. After the 1970 coup, Nuon Chea continued to interact with TCW-223, who was then a rising figure within the Khmer Rouge hierarchy. The notes of his interview with Ben Kiernan demonstrate that in that period TCW-223 had a familiar and even informal relationship with Nuon Chea: as TCW-223 explained, he and others in his 'group...called Nuon Chea "Ta Prahoc"; we'd say "Eh, I met Ta Prahoc", and so on. And they'd know, because the old man was someone who ate a lot of Prahoc.'³

¹ Document No. **E236/5**, Memorandum from Trial Chamber to the Parties, 7 February 2013, ERN 00885476-00885477.

² Document No. **E3/1568**, Typed Version of Handwritten Notes of Interview, ERN 00651866-00651907, p. 25.

³ Document No. **E3/1568**, Typed Version of Handwritten Notes of Interview, ERN 00651866-00651907, p. 26.

5. During the Democratic Kampuchea period itself, the working relationship between Nuon Chea and TCW-223 continued still. This Chamber has heard evidence of a meeting, also reflected in the notes of Ben Kiernan's interview, in which TCW-223 participated on 20 May 1975 with Nuon Chea and others.⁴ [REDACTED]
- [REDACTED]
- [REDACTED]

6. For these reasons, the Defence respectfully requests that the Trial Chamber summon TCW-223 to be heard as a character witness on behalf of Nuon Chea.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE

⁴ Document No. E3/1568, Typed Version of Handwritten Notes of Interview, ERN 00651866-00651907, pp. 18-20.