

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA



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**INTERNATIONAL CO-PROSECUTOR'S REQUEST TO ADMIT BOOK RELEVANT
TO CASE 002/02 PURSUANT TO RULES 87(3) & 87(4)**

Filed by:

Co-Prosecutors

Nicholas KOUMJIAN

CHEA Leang

Distributed to:

Trial Chamber

Judge NIL Nonn, President

Judge Jean-Marc LAVERGNE

Judge YA Sokhan

Judge Claudia FENZ

Judge YOU Ottara

Civil Party Lead Co-Lawyers

PICH Ang

Marie GUIRAUD

Copied to:

Accused

NUON Chea

KHIEU Samphan

Lawyers for the Defence

SON Arun

Victor KOPPE

KONG Sam Omn

Anta GUISSÉ

Arthur VERCKEN

Standby Counsel

TOUCH Voleak

Calvin SAUNDERS

I. Introduction

1. Pursuant to Rules 87(3) and 87(4), the Co-Prosecutors submit this motion to have admitted into evidence a book by Professor Andrew Mertha titled “Brothers in Arms: Chinese Aid to the Khmer Rouge, 1975-1979” (the “Book”).

II. Argument

2. The Book meets the criteria for admission laid out in Rule 87(3). Material contained in the Book is relevant to the proceedings in Case 002/02, and in particular to the Tram Kak Cooperatives crime site. The book describes the relationship between China and Cambodia throughout the Democratic Kampuchea period, including aid and trade. It also describes how the government of Democratic Kampuchea functioned, how it was organized, the responsibilities of individual leaders, and the relationships between Democratic Kampuchea and other countries. The results of Democratic Kampuchea leaders’ visits to China are discussed as well as visits of Chinese leaders to Cambodia. In particular, the book discusses a trip where Pol Pot accompanied a Chinese delegation to the Tram Kak District and the model village Leay Bour. It mentions the role of upcoming witness 2-TCW-803 as a leading CPK official and describes his relationship to Ta Mok. It describes trips to China by Democratic Kampuchea officials, including Nuon Chea, Khieu Samphan, Pol Pot, and Ieng Sary. It describes Chinese advice to Democratic Kampuchea leaders on several matters, including the treatment of Norodom Sihanouk, and criticism for not feeding their people, for evacuating the cities and for provoking Vietnam. The author has a doctorate in political science from the University of Michigan and is a professor of government at Cornell University, where he specializes in Chinese and Cambodian politics.¹
3. Rule 87(4) states that the party requesting to submit new evidence must satisfy the Chamber that the requested evidence was not available before the opening of the trial. The Trial Chamber has held that for Case 002/02, the opening of trial occurred in June 2011.² The

¹ See <http://government.arts.cornell.edu/faculty/mertha/> (last visited 2 March 2015).


² **E307/1** Decision on **Parties’** Joint Request for Clarification Regarding Application of Rule 87(4) (E307) and the Nuon Chea Defence Notice of Non-Filing of Updated Lists Evidence (E305/3), 11 June 2014; **E307/1/2** Decision on Joint Request for *de novo* Ruling on the application of Internal Rule 87(4), 21 October 2014, para. 10.

Book was not published until 2014, and was therefore not available before the opening of trial.

III. Relief Requested

4. Therefore, the Co-Prosecutors respectfully request that the Book, which is attached as **Annex A**, be admitted into evidence in Case 002/02 pursuant to Rules 87(3) and 87(4).

Respectfully submitted,

Date	Name	Place	Signature
03 March 2015	CHEA Leang Co-Prosecutor	Phnom Penh	
	Nicholas KOUMJIAN Co-Prosecutor		