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**BEFORE THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 004/20-11-2008-ECCC/OCIJ **Party Filing:** Acting International Co-Prosecutor

Filed to: Co-Investigating Judges **Original language:** English

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**ACTING INTERNATIONAL CO-PROSECUTOR'S NOTICE OF FILING
OF THE THIRD INTRODUCTORY SUBMISSION**

Filed by:

**Acting International
Co-Prosecutor**
Mr. William SMITH

Distribution to:

**Office of the
Co-Investigating Judges**
Judge YOU Bunleng
Judge Marcel LEMONDE

Copy to:

National Co-Prosecutor
Ms. CHEA Leang

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NOTICE

1. Pursuant to Internal Rule 53 and Subrule 71(4)(d), and in accordance with the 18 August 2009 decision of the Pre-Trial Chamber on the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71 (*Disagreement No. 001/18-11-2008-ECCC/PTC*),¹ received by the Co-Prosecutors on 2 September 2009, the Acting International Co-Prosecutor hereby forwards to the Co-Investigating Judges the Third Introductory Submission (*Case No. 004/20-11-2008-ECCC/OCIJ*) so that a judicial investigation may be opened in this matter.
2. This submission is contained in a set of binders, consisting of one primary binder, and six subsidiary binders. All binders are labeled on their spines with a description of their contents. The primary binder contains the following documents:
 - (a) TAB 1 : a signed copy of the submission in English;
 - (b) TAB 2 : a signed copy of the submission in Khmer;
 - (c) TAB 3 : **Annex A** – a list of the acronyms used in the submission;
 - (d) TAB 4 : **Annex B** – a list of the witnesses relevant to the submission. The witness list contains each witness's name, gender, a description of their role during the DK period, which elements of the submission the witness's knowledge assists in proving, and the witness's contact information; and
 - (e) TAB 5 : **Annex C1** – a list of the evidentiary material that supports the submission. The evidence index contains basic information on the relevance of the documents, including the date of the document, the document type, its source, the author, a description of the content of the document, and information on which element of the submission the document assists in proving.
3. In addition, the submission is accompanied by a document labeled **Annex C2**. Annex C2 is not contained in the primary binders because it is printed on A3 paper. Annex C2 is the only document attached to the submission that is not in one of the binders.


¹ A copy of *Annex II: Excerpt of the Considerations of the Pre-Trial Chamber Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71* is attached hereto


4. Annex C2 is an index of the evidentiary material that supports the submission. This evidence index lists the same documents as Annex C1 and uses the same numbering system, but offers more detailed information on the documents for record keeping purposes. For instance, Annex C2 contains information on the original electronic reference number (ERN) of the documents, any additional ERNs that are relevant, the DC-Cam No. of the document (if any), the Case File No. of the document (if it is already in one of the case files), the original language, the language of any translations, the total number of pages in the original document, the relevant page numbers of the document, and its translation status (whether a translation has been requested). This information was up to date as at 11 November 2008, the date of the signing of the submission by the then International Co-Prosecutor.
5. The evidentiary material which supports the submission is placed in the subsidiary binders in the order used in Annexes C1 and C2. However, in the interests of efficiency, documents which are already on Case File 001 or 002 have not been printed out and included in the binders, so that:
 - (a) documents 1.01– 13.01, and 34.01 – 35.03 in Annexes C1 and C2 are new documents, and are contained in the subsidiary binders; and
 - (b) documents 14.01 – 33.01, and 35.04 – 36.01 in Annexes C1 and C2 are materials already on Case File 1 or Case File 002 and are therefore not included in the binders.
6. The documents are arranged by type (e.g., confessions, reports, statements, telegrams, etc.) The binders contain both copies of the originals of the documents as well as any translations that were in the possession of the International Co-Prosecutor as at 11 November 2008.
7. The following table describes the contents of the subsidiary binders. As noted above, each of the binders is labeled on its spine with the same information.

| Case File 004/20-11-2008/ECCC/OCIJ | | |
|------------------------------------|---------------|-----------------------------------|
| Binder No. | Document Nos. | Type |
| 1 | 1.1 – 4.5 | Analytical Reports to Confessions |
| 2 | 4.6 – 4.9 | Confessions |
| 3 | 4.10 – 9.3 | Confessions to Prisoner Lists |
| 4 | 10.1 – 10.23 | Reports |
| 5 | 11.1 – 13.1 | Statements to Telegrams |
| 6 | 34.1 – 35.3 | Reports |

8. In addition to the hardcopies of the submissions and their supporting documents, the Acting International Co-Prosecutor is able to provide to the Co-Investigating Judges electronic copies of all supporting documents, with a corresponding information index in a CaseMap file, if necessary. This file mirrors the information contained in Annexes B, C1 and C2. The CaseMap database also contains electronic versions of all the documents cited in the new submission, including the documents contained in the subsidiary binders, including any translations, as well as copies of those documents cited in the new submission that are already in Case Files 001 and 002.
9. The Acting International Co-Prosecutor respectfully requests the Co-Investigating Judges to commence a judicial investigation in this matter and to undertake the actions indicated in paragraph 120 of the submission.

Respectfully submitted,


 William SMITH
 Acting International Co-Prosecutor



Signed in Phnom Penh, Kingdom of Cambodia on this 7th day of September 2009.