

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

Filing details

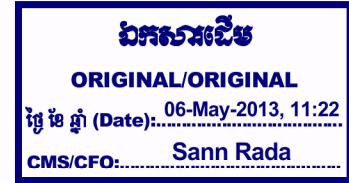
File No.: 002/19-09-2007-ECCC/TC

Party Filing: Civil Party Lead Co-Lawyers

Before: Trial Chamber

Original language: English translation Khmer

Date of document: 3 May 2013



CLASSIFICATION

Classification of document suggested by the filing party: PUBLIC

Classification by the Co-Investigating Judges or the Chamber: សាធារណៈ/Public

Classification Status:

Review of interim Classification:

Records Officer Name:

Signature:

**LEAD CO-LAWYERS' REQUEST TO CALL THE CIVIL PARTIES'
REVISED LIST OF CIVIL PARTIES & EXPERTS
TO TESTIFY DURING THE HEARINGS ON IMPACT
(WITH CONFIDENTIAL ANNEX)**

Filed by:

Lead Co-Lawyers for Civil Parties

PICH Ang
Elisabeth SIMONNEAU-FORT

Co-Lawyers for Civil Parties

CHET Vanly
HONG Kim Suon
KIM Mengkhy
LOR Chunthy
MOCH Sovannary
SIN Soworn
KONG Pisey
YUNG Phanith

Before:

Trial Chamber

Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sakhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Distribution to:

Office of the Co-Prosecutors

CHEA Leang
Andrew CAYLEY
YET Chakriya
William SMITH

SAM Sokong
VEN Pov
TY Srinna
KONG Phallack
Emmanuel ALTIT
Pascal AUBOIN
Olivier BAHOUGNE
Patrick BAUDOIN
Evelyne BOILEAU-BRANDOMIR
Philippe CANONNE
Annie DELAHAIE
Laure DESFORGES
Ferdinand DJAMMEN NZEPA
Elodie DULAC
Nicole DUMAS
Isabelle DURAND
Françoise GAUTRY
Marie GUIRAUD
Emmanuel JACOMY
Martine JACQUIN
Daniel LOSQ
Christine MARTINEAU
Mahdev MOHAN
Barnabé NEKUIE
Lyma NGUYEN
Elisabeth RABESANDRATANA
Julien RIVET
Fabienne TRUSSES NAPROUS
Nushin SARKARATI
Philippine SUTZ
Beini YE

The Accused

KHIEU Samphan
IENG Sary
NUON Chea

Co-Lawyers for the Defence

SON Arun
Victor KOPPE

ANG Udom
Michael G. KARNAVAS

KONG Sam Onn
Anta GUISSÉ
Arthur VERCKEN
Jacques VERGES

Co-Lawyers for the Civil Parties

I. INTRODUCTION

1. The Civil Parties have received and given careful consideration to the Trial Chamber's e-mail message of 24 April 2013 concerning the anticipated Hearings on Impact/Suffering.¹ Additionally, they have recently been informed by Wendy Lobwein, Chief of the Witness and Expert Support Unit (WESU), that these hearings are envisaged for 27, 29, 30 May and 4 June 2013.
2. In order to advance the planning for the Hearings on Impact/Suffering, the Civil Parties have revised their original list of Civil Parties and experts to testify on impact² to arrive at a finalized list of the individuals they wish to have heard. Furthermore, they have drafted a proposed schedule for these 4 days of hearings, the details of which are contained in Annex 1 to this motion, entitled Civil Parties' Proposed Schedule for the Hearings on Victim Impact ("Proposed Schedule").

II. DISCUSSION

3. The Civil Parties wish to highlight that they have reduced the total number of individuals proposed to be heard from the original 22 (20 Civil Parties and 2 experts) to 14 (13 Civil Parties and 1 expert). In addition to these 14 individuals, the Civil Parties wish to call an additional 3 Civil Parties on a reserve basis, to provide testimony should one of the prioritized Civil Parties be unable to testify or should the examinations of the priority Civil Parties conclude ahead of schedule. Further, of the 4 Civil Parties who are proposed to testify and reside outside of Cambodia, two of these have requested, through their Civil Party Lawyers, to testify via video-link, rather than being heard in person.
4. In drafting the Proposed Schedule, Civil Parties have made what they believe to be a realistic estimate of the time available for examination during a given hearing day (5 hours) and given particular attention to providing the other parties (which they understand to include the bench/judges) adequate and proportional time to examine the Civil Parties and expert. Furthermore, Civil Parties have built in a small amount of time to allow for unforeseen contingencies.


¹ E-mail from Susan Lamb, Senior Legal Officer, to Civil Party Lead Co-Lawyers, "Civil Parties and other individuals sought to be heard on suffering during the four courtroom days allocated for this purpose," 24 April 2013.

² Liste des parties civiles proposées par les Co-avocats principaux pour être entendues pendant les audiences relatives à l'incidence des crimes allégués sur les victimes, comprenant l'Annexe Confidentielle 1, E236/5/3, 5 March 2013.

IV. REQUEST

5. In light of the above, Civil Parties respectfully request that the Trial Chamber approve the Proposed Schedule and, accordingly:
- a) direct WESU to begin preparations for the testimony of the Civil Parties and experts in accordance with the Proposed Schedule, including funding the travel and related expenses of the 2 Civil Parties who will testify in person and who currently reside abroad;
 - b) inform all other parties of the time they are jointly allotted to examine the Civil Parties and experts; and
 - c) summon the Civil Parties and experts named in and in accordance with the Proposed Schedule.

Respectfully submitted,

Date	Name	Place	Signature
3 May 2013	PICH Ang Lead-Co-Lawyer	Phnom Penh	
	Elisabeth SIMONNEAU-FORT Lead-Co-Lawyer	Phnom Penh	