

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

FILING DETAILS

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**UPDATED LISTS AND SUMMARIES OF PROPOSED WITNESSES,
CIVIL PARTIES AND EXPERTS**

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I. INTRODUCTION

1. Pursuant to this Chamber's 'Order to File Updated Material in Preparation for Trial in Case 002/02' (the 'Case 002/02 Trial Preparation Order'),¹ the Co-Lawyers for Nuon Chea (the 'Defence') submit updated lists² and summaries³ of proposed witnesses, civil parties and experts (the 'Updated Defence Witness Lists and Summaries'), with a suggested confidential status in accordance with the Chamber's order.⁴ Having regard to the Case 002/02 Trial Preparation Order's deadlines,⁵ the instant lists and summaries have been filed in a timely manner. Additionally, the Defence makes the following submissions regarding the Updated Defence Witness Lists and Summaries, and various other related issues.

II. SUBMISSIONS

A. Language and Translation

2. In light of the 'Parties' Joint Request Regarding the Refiling of Admitted Evidence in Case File 002/02, and Filing in One Language',⁶ the Defence has not provided Khmer translations of the attached annexes at this juncture. Translation of these documents is pending, and the Khmer versions will be submitted at the earliest practicable opportunity.

B. Protective Measures

3. The Defence does not seek protective measures with respect to any of the witnesses, civil parties and experts proposed in the Defence Updated Witness Lists and Summaries, nor is it in a position to indicate whether there are such protective measures currently in place. Therefore, the Defence has not submitted any lists or summaries of witnesses, civil parties and experts for whom protective measures will be sought.

¹ Document No. **E305**, 'Order to File Updated Material in Preparation for Trial in Case 002/02' (the 'Case 002/02 Trial Preparation Order'), 8 April 2014, para. 4.

² Attached hereto as Annex A.

³ Attached hereto as Annex B.

⁴ E305, para. 3.

⁵ E305, paras. 2, 7.

⁶ Document No. **E305/1**, 'Parties' Joint Request Regarding the Refiling of Admitted Evidence in Case File 002/02, and Filing in One Language', 2 May 2014.

C. Information Concerning Each Proposed Witness, Civil Party and Expert

4. The Defence has undertaken its best endeavours to provide the information requested by the Trial Chamber in the Case 002/02 Trial Preparation Order,⁷ to the extent that this information is available to the Defence on the case file or readily ascertainable in the public domain. The Defence notes that it was unable to provide complete information for certain proposed witnesses who gave evidence or were interviewed in Case 001. However, it appears that some documents relevant to these witnesses remain on the Case 001 case file and have not been made available to the Defence on the Case 002 case file, and that these documents are likely to contain some of the information the Defence has been unable to provide.⁸ In addition, information concerning the religious persuasion of witnesses, civil parties and experts who gave evidence before or were interviewed by the ECCC is generally unavailable to the Defence, although it is believed to be available to the Chamber; nevertheless, we have endeavoured to provided as much information as possible in this regard.
5. The Defence has also provided two additional categories of information in order to assist the Chamber in its review of its Updated Defence Witness Lists and Summaries:
 - (a) The number of the witness, civil party or expert in the Defence's original witness lists and summaries filed in 2011;⁹ and
 - (b) Indication of the possible need for expedited and audio-video link testimony with respect to certain witnesses of particularly advanced age.

D. Additional Witnesses, Civil Parties and Experts

6. The Case 002/02 Trial Preparation Order stipulates that it 'does not authorise the Parties to add further witnesses, experts and Civil Parties [and that a]ny application to hear additional individuals [...] shall be filed in accordance with Internal Rule 87(4)'.¹⁰ In the 'Parties' Joint Request for Clarification Regarding the Application of Rule 87(4) in Case 002/2', all Parties have submitted that Internal Rule 87(4) should apply as of the

⁷ E305, paras. 2 and 7.

⁸ For instance, current addresses and places and dates of birth.

⁹ Document No. **E9/4/4**, 'List of Proposed Witnesses, Experts and Civil Parties', 15 February 2011; Document No. **E9/4/4.4**, 'Annex A: Proposed Witness List (where no protective measures are sought) – NUON Chea Defence Team', 15 February 2011; E9/4/4.2, 'Annex B: Proposed List of Experts – NUON Chea Defence Team', 15 February 2011; E9/4/4.3, 'Annex C: Proposed List of Civil Parties (where no protective measures are sought – NUON Chea Defence Team', 15 February 2011.

¹⁰ E305, para. 1.

Initial Hearing in Case 002/02.¹¹ The Defence hereby provides notice of its intention to submit supplementary lists and summaries of new witnesses, civil parties and experts prior to the Initial Hearing.

CO-LAWYERS FOR NUON CHEA



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¹¹ Document No. E307, 'Parties' Joint Request for Clarification Regarding the Application of Rule 87(4) in Case 002/02', 30 April 2014, paras. 2-3, 7.