

BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/TC **Party Filing:** Co-Prosecutors

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**CO-PROSECUTORS' APPLICATION FOR EXTENSION OF PAGE LIMIT FOR  
WITNESS, EXPERT, AND CIVIL PARTY RULE 87(4) JUSTIFICATIONS**

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**Filed by:**

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**Distributed to:**

**Trial Chamber**  
Judge NIL Nonn, President  
Judge Silvia CARTWRIGHT  
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## REQUEST

1. On 8 April 2014, the Trial Chamber issued its “Order to File Updated Material in Preparation for Trial In Case 002/02”<sup>1</sup>, and ordered the parties to file lists of proposed witnesses, experts, and Civil Parties for Case 002/02.<sup>2</sup> It further stated that “[t]he present Order does not authorise the parties to add further witnesses, experts, and Civil Parties. Any application to hear additional individuals however, shall be filed in accordance with Internal Rule 87(4).”<sup>3</sup>
2. On 30 April 2014, the parties jointly filed a request for clarification to the Trial Chamber, advocating that Rule 87(4) should only apply to evidence, including testimonial evidence, proposed after the Initial Hearing in Case 002/02, rather than to evidence proposed after the Initial Hearing for Case 002/01 in June 2011.<sup>4</sup>
3. On 9 May 2014, the Co-Prosecutors filed their list of proposed witnesses, experts, and Civil Parties for Case 002/02<sup>5</sup>, which included 35 persons<sup>6</sup> not proposed before the beginning of Case 002/01.
4. On 11 June 2014, the Trial Chamber issued its “Decision on Parties’ Joint Request for Clarification regarding the Application of Rule 87(4) (E307) and the Nuon Chea Defence Notice of Non-Filing of Updated Lists [of] Evidence (E305/3)”<sup>7</sup> (“Decision”). In its Decision, the Trial Chamber ruled that Rule 87(4) shall be applicable to all proposed witnesses, experts, and Civil Parties not proposed prior to the commencement of Case 002/01.<sup>8</sup>
5. As a result of the Decision, the Co-Prosecutors are preparing Rule 87(4) submissions for each of the 35 individuals proposed to provide testimonial evidence that were not included in proposals prior to the commencement of Case 002/01. However, because the submissions are combined into one filing encompassing all 35 persons, rather than addressing each

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<sup>1</sup> **E305** Order to File Updated Material in Preparation for Trial In Case 002/02, 8 April 2014.

<sup>2</sup> *Ibid.* at para. 1.

<sup>3</sup> *Ibid.*

<sup>4</sup> **E307** Parties’ Joint Request for Clarification Regarding the Application of Rule 87(4) in Case 002/02, 30 April 2014.

<sup>5</sup> **E305/6** Co-Prosecutors’ Proposed Witness, Civil Party and Expert List and Summaries for the Trial in Case File 002/02, 9 May 2014.



<sup>6</sup> This figure does not include persons listed as “Alternate Witnesses, Experts, and Civil Parties” in Annex III(A). **E305/6.5** OCP Updated Alternate Witness, Civil Party and Expert Summaries, 9 May 2014.

<sup>7</sup> **E307/1** Decision on Parties’ Joint Request for Clarification Regarding the Application of Rule 87(4) (E307) and the Nuon Chea Defence Notice of Non-filing of Updated Lists [of] Evidence, 11 June 2014.

<sup>8</sup> *Ibid.* at para. 5.

person in a separate filing, the standard 15 page limit<sup>9</sup> in English is insufficient to provide the Trial Chamber with a sufficiently-detailed explanation of the factors justifying each witness. The Co-Prosecutors therefore request permission to submit a filing of 45 pages.

Respectfully Submitted,

Date	Name	Place	Signature
02 July 2014	CHEA Leang Co-Prosecutor	Phnom Penh	
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<sup>9</sup> See Practice Direction ECCC/01/2007/Rev.8, Filing of Documents Before the ECCC, Article 5.1.