

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

**FILING DETAILS**



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**CIVIL PARTY LEAD CO-LAWYERS' NOTIFICATION RELATING TO WITNESS  
STATEMENTS AND TRANSCRIPTS RELEVANT TO CASE 002/02**

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**Before:**

**Trial Chamber**

Judge NIL Nonn, President  
Judge YA Sokhan  
Judge Jean-Marc LAVERGNE  
Judge YOU Ottara  
Judge Claudia FENZ

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## I. NOTIFICATION

1. On 13 June 2014, the Lead Co-Lawyers for the Civil Parties filed their proposed list of documents relevant to Case 002/02.<sup>1</sup> On 11 December 2014, the Trial Chamber ordered the parties to indicate to the Trial Chamber whether they intend to rely on any written statements or transcripts on their proposed list of documents as evidence of the personal acts and conduct of an Accused.<sup>2</sup>
2. Written statements and transcripts are inadmissible as evidence to prove the personal acts and conduct of an Accused unless the “witness is deceased, cannot be traced with the exercise of reasonable diligence or is unavailable due to threats, intimidation or other improper interference.”<sup>3</sup>
3. Following the jurisprudence of the Chamber, the Lead Co-Lawyers for the Civil Parties do not intend to use the written statements and transcripts that appear on its updated document and exhibit list as evidence of the personal acts and conduct of an Accused in this case. However, the Lead Co-Lawyers note that in their Rule 80 submissions, nine Civil Parties were proposed to testify as to the role of an Accused in this case owing to the importance of their evidence<sup>4</sup> and several of their Civil Party applications and supplementary information statements appear on the proposed documents and exhibit list and contain evidence relating to the acts and conduct of an Accused.<sup>5</sup> One such Civil Party has been called by the Trial Chamber to testify with

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<sup>1</sup> Civil Party Lead Co-Lawyers’ Updated Rule 80 Lists of Documents & Exhibits for Case 002/02, **E305/14**, 13 June 2014; and Civil Party Lead Co-Lawyers’ Rule 87(4) Request to Admit into Evidence Oral Testimony and Documents and Exhibits Related to Witnesses, Experts and Civil Parties Proposed to Testify in Case 002/02, **E307/6**, 29 July 2014.

<sup>2</sup> Scheduling of Objections to Documents Relevant to Case 002/02, **E327**, 11 December 2014, para. 3.

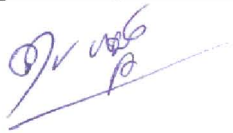
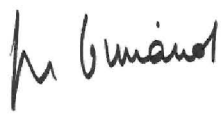
<sup>3</sup> Decision on Objections to the Admissibility of Witness, Victim and Civil Party Statements and Case 001 Transcripts Proposed by the Co-Prosecutors and Civil Party Lead Co-Lawyers, **E299**, 15 August 2013, para. 17; and Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, **E96/7**, 20 June 2012, paras 32-33.

<sup>4</sup> Civil Party Lead Co-Lawyers’ Rule 80 Witness, Expert and Civil Party Lists for Case 002/02 with Confidential Annexes, Annex 4: Civil Parties Lead Co-Lawyers’ Proposed Order of Segments, **E305/7.1.4**, 9 May 2014, Annex 4: Civil Parties Lead Co-Lawyers’ Proposed Order of Segments (for example, and with updated pseudonyms, 2-TCCP-250, 2-TCCP-253, 2-TCCP-258, 2-TCCP-268, 2-TCCP-237, 2-TCCP-219, 2-TCCP-235, 2-TCCP-238, 2-TCCP-286).

<sup>5</sup> Civil Party Lead Co-Lawyers’ Updated Rule 80 Lists of Documents & Exhibits for Case 002/02, Annex V – Updated Documents and Exhibit List, **E305/14.1**, 13 June 2014; Civil Party Lead Co-Lawyers Rule 87(4) Request to Admit into Evidence Oral Testimony and Documents and Exhibits Related to Witnesses, Experts and Civil Parties Proposed to Testify in Case 002/02, **E307/6**, 29 July 2014.

regard to Tram Kok.<sup>6</sup> The Accused will thus have the opportunity to confront this witness with her written statement. However, if one of these proposed Civil Parties, whose written statements contain acts and conduct evidence, is deceased, cannot be traced or is unavailable due to threats, intimidation or other improper interference<sup>7</sup> and thus becomes unavailable to testify, the LCLs reserve their right to put forward their written statements as evidence before the Chamber.

Respectfully submitted,

Date	Name	Place	Signature
12 January 2015	PICH ANG National Lead Co- Lawyer	Phnom Penh	
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<sup>6</sup> 2-TCCP-238 (E3/5635, E9/32.2.28)

<sup>7</sup> See Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, **E96/7**, 20 June 2012, paras 32-33; and Decision on Objections to the Admissibility of Witness, Victim and Civil Party Statements and Case 001 Transcripts Proposed by the Co-Prosecutors and Civil Party Lead Co-Lawyers, **E299**, 15 August 2013, para. 17.