

From: Marie Guiraud
To: Kenneth William ROBERTS
Cc: antaguisse@yahoo.fr; a.vercken.cetc@gmail.com; Clement BOSSIS; Chanthan Bou; Joseph Andrew BOYLE; Marie CAPOTORTO; Leang Chea; Doreen CHEN; Matteo Crippa; Vincent De Wilde d'Estmael; Travis Michael FARR; Eleonor FERNANDEZ; Russell HOPKINS; Vanny Keo; Victor Koppe; Nicholas KOUMJIAN; Sothy Kun; Suy-Hong Lim; Sovanna LIV; Dale Lysak; Soumeva MEDJEBEUR; Xiaoyang NIE; Sreyath OUCH; Ang PICH; Sambath Pich; Phalla Prum; samonnk@yahoo.com; Calvin Saunders; Socheata Seng; Bunkheang Seng; Leang Seng; William Smith; Sothearith SNGUON; Arun Son; Chorvoin SONG; Rattanak Srea; SUON.Visal@eccc.gov.kh; Lauren TIPTON; Pierre TOUCHE; Voleak Touch; Pov VEN
Subject: RE: Next Witnesses - notice to parties
Date: 07/08/2015 11:20 AM

Dear Ken,

On 4 August 2015, the International Co-Prosecutor informed the parties that they are currently in the process of reviewing a total of 2,207 civil party applications that they were notified of from Cases 003 and 004 (E319/27). It was added that out of the "second group" of documents that are presently being reviewed by the Co-Prosecutors, "over 200 additional applications [...] contain some information or reference to the Trapeang Thom Dam".

First, the Lead Co-Lawyers request the Trial Chamber for an oral hearing to address the following issues in open court on 10 August 2015 (Monday) and to allow the Co-Prosecutors and the Defence an opportunity to participate in the discussion. Second, as per the email from the Trial Chamber 30 July 2015, the Lead Co-Lawyers were granted an extension on account of the disclosure of the first group of civil party applications to file their prioritized list of Civil Parties for the hearing on the impact of crimes by 7 August 2015. However, the Lead Co-Lawyers would require extra time to examine the documents in the "second group" when they are disclosed in order to determine if, and how they will affect the issues outlined below. Therefore, the Lead Co-Lawyers request the Trial Chamber to defer the filing of the prioritized list of Civil Parties for impact hearing on the Second Segment until such issues are resolved upon a reasoned debate in court.

From the first group of Trapeang Thom civil party applications already disclosed, the International Co-Prosecutor expects that a limited number of these will need to be placed before the Chamber, including applications that come from or directly relate to testifying witness, civil party or key allegations at trial. This first group of disclosures has already affected the prioritized list of Civil Parties prepared by the Lead Co-Lawyers. Therefore, from the "second group" of disclosure, it is reasonable to expect that it will also affect the selection process.

Recalling the fact that the Lead Co-Lawyers do not have access to the case-file in Cases 003 and 004, the Lead Co-Lawyers are not certain of the following issues and would like to raise them during the oral hearing on Monday, if the first request is granted:

- How many of these civil party applications will finally be admitted by the International Co-Investigating Judge in Cases 003 and 004 (the Lead Co-Lawyers note that there have been no admissibility decisions in Cases 003 and 004 on these civil party applications. Therefore, it is not known which and what number of these civil party applications will be admitted.);
- How many of these civil party applications relate to Civil Parties in Case 002;
- How many of these civil party applications relate to Civil Parties that the Lead Co-Lawyers intend to propose for the hearings on the impact and harm suffered;
- How many of these civil party applications will affect the list of Key Documents that the Lead Co-Lawyers have been preparing for the Second Segment;
- How many of these civil party applications will affect the Lead Co-Lawyers' trial strategy, lines of questioning and examination of witnesses and civil parties that are due to appear for Trapeang Thom Dam;
- How many of these civil party applications will affect the nature and extent of coordination between the Lead Co-Lawyers and Civil Party Lawyers and their respective clients.

Particularly in respect of the hearings on the impact of crimes under the Second Segment, should the Lead Co-Lawyers not be heard on this issue, they would fail in their obligation towards the consolidated group of Civil Parties in Case 002 and go against the directive of the Trial Chamber to manage the expectations of the Civil Parties in the best way possible. Until such decision on the matter, in good faith, the Lead Co-Lawyers offer to file a provisional list of Civil Parties proposed for the hearings on impact of crimes on the Second Segment concerning 1st January Dam and Kampong Chhnang Airport with the list pertaining to Trapeang Thom Dam to follow after.

The Lead Co-Lawyers welcome any further guidance from the Trial Chamber on the matter.

Kind regards,

Ang&Marie

-----Original Message-----

From: Kenneth William ROBERTS [mailto:roberts13@un.org]
 Sent: Thursday, July 30, 2015 3:32 PM
 To: Marie Guiraud
 Cc: antaguisse@yahoo.fr; a.vercken.cetc@gmail.com; Clement BOSSIS; Chanthan Bou; Joseph Andrew BOYLE; Marie CAPOTORTO; Leang Chea; Doreen CHEN; Matteo Crippa; Vincent De Wilde d'Estmael; Travis Michael FARR; Eleonor FERNANDEZ; Russell HOPKINS; Vanny Keo; Victor Koppe; Nicholas KOUMJIAN; Sothy Kun; Suy-Hong Lim; Sovanna LIV; Dale Lysak; Soumeva MEDJEBEUR; Xiaoyang NIE; Sreyath OUCH; Ang PICH; Sambath Pich; Phalla Prum; samonnk@yahoo.com; Calvin Saunders; Socheata Seng; Bunkheang Seng; Leang Seng; William Smith; Sothearith SNGUON; Arun Son; Chorvoin SONG; Rattanak Srea; SUON.Visal@eccc.gov.kh; Lauren TIPTON; Pierre TOUCHE; Voleak Touch; Pov VEN
 Subject: RE: Next Witnesses - notice to parties

Dear Marie,

The Trial Chamber grants the Lead Co-Lawyers' requested extension until 7 August 2015 to file their prioritized list of Civil Parties for the hearings on harm suffered for the Second Segment relating to Worksites.

Best regards,

Ken

From: Marie Guiraud <Guiraud.Marie@eccc.gov.kh>
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 Date: 28/07/2015 03:02 PM
 Subject: RE: Next Witnesses - notice to parties

Dear Ken,

As per the Trial Chamber's emails dated 2 June 2015 and 20 July 2015, the Civil Party Lead Co-Lawyers ("Lead Co-Lawyers") were directed to provide a prioritized list of Civil Parties to be heard on the harm they suffered during the Democratic Kampuchea, primarily relevant to the Second Segment relating to Worksites, by 31 July 2015.

On 24 July 2015, the Lead Co-Lawyers acknowledged receipt of the recent disclosure by the Office of the Co-Prosecutors. This disclosure contains certain Civil Party Applications and interviews from Case 004, a large number of which relate to the Trapeang Thma Dam Worksite. Some of these documents relate to Civil Parties in case 002. The Section is in the process of checking this information with the Civil Parties and their respective lawyers as it may affect the selection of the Civil Parties for the Hearing on Harm.

For this reason, the Lead Co-Lawyers would require extra time to examine these documents in detail in order to determine if, and how, these documents would affect the list of Civil Parties already prepared. If the said list is affected, it would also be required of the Lead Co-Lawyers to inquire into the willingness and availability of the Civil Parties on the (potential) amended list.

The Lead Co-Lawyers believe that such an extension would not prejudice the parties in any way in light of the adjournment of the court hearings next week. Therefore, the Lead Co-Lawyers seek an extension of one week from 31 July 2015 (i.e. by 7 August 2015) to file their prioritized list of Civil Parties for the hearings on harm suffered for the Second Segment.

Best regards,

Ang & Marie

From: Kenneth William ROBERTS [roberts13@un.org]
 Sent: Monday, July 20, 2015 2:13 PM
 To: Leang Chea; antaguisse@yahoo.fr; Arun Son; a.vercken.cetc@gmail.com; Dale Lysak; Eleonor FERNANDEZ; Marie CAPOTORTO; Phalla Prum; Ang PICH; Sambath Pich; samonnk@yahoo.com; Bunkheang Seng; Socheata Seng; Victor Koppe; Vincent De Wilde d'Estmael; William Smith; SUON.Visal@eccc.gov.kh; Nicholas KOU MJIAN; Chanthan Bou; Joseph Andrew BOYLE; Doreen CHEN; Marie Guiraud; Xiaoyang NIE; Sovanna LIV; Sothearith SNGUON; Sothy Kun; Lauren TIPTON; Soumeya MEDJEBEUR; Matteo Crippa; Calvin Saunders; Voleak Touch; Suy-Hong Lim; Russell HOPKINS; Travis Michael FARR; Chorvoin SONG; Rattanak Srea; Leang Seng; Pov VEN; Vanny Keo; Pierre TOUCHE; Clement BOSSIS; Sreypath OUCH
 Subject: Next Witnesses - notice to parties

Dear Parties,

The Chamber has asked me to inform you of the following with regard to scheduling.

As announced by the President on 23 June 2015, the Chamber will start the hearing of witnesses on the Trapeang Thma Dam worksite on 27 July 2015 when the Chamber resumes hearings following the mid-year judicial recess. The witnesses and Civil Parties will follow, as far as possible, the order in which they appeared in the list previously provided to the parties. This list is attached again for your ease of reference. The Chamber also notes that two witnesses were previously unavailable to testify before the Chamber on other worksites (2-TCW-926 and 2-TCW-866). The Chamber intends to call these witnesses when they become available, likely during the hearing of Trapeang Thma Dam witnesses and Civil Parties. The Parties will be informed in due course of such scheduling arrangements.

Finally, the Chamber reminds the parties that it will hold key document presentation hearings and

hearings on Civil Party suffering directly following the completion of the Trapeang Thma Dam witnesses and Civil Parties. As noted in the Chamber's 2 June 2015 email to the parties, the Lead Co-Lawyers have been requested to provide a prioritised list of Civil Parties to be heard on the harm they suffered during the Democratic Kampuchea period (see E315/1, paras 7-9), who are primarily relevant to the three worksites (1st January Dam, Kampong Chhnang Airport, Trapeang Thma Dam) by 31 July 2015. They have been further instructed to make the necessary arrangements with the Witness and Expert Support Unit to arrange for the appearance of the selected Civil Parties over the two days to be allocated. The Chamber will finalise the dates of these hearings in due course.

Best regards,

Ken