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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
23 / 09 / 2015

ពេលវេលា (Time/Heure): 15:30

ឈ្មោះមន្ត្រីបញ្ជីឯកសារ/Case File Officer/L'agent chargé
inscris: SANN RADA

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

TRIAL CHAMBER

Date: 23 September 2015

**TO: Tony Kranh, Acting Director, Office of Administration;
Knut Rosandhaug, Deputy Director, Office of Administration;**

FROM: NIL Nonn, President of the Trial Chamber

CC: Trial Chamber Judges; Trial Chamber Senior Legal Officer; Chief, Defense Support Section; Ambassador David Scheffer, UN Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials

SUBJECT: Request for clarification on additional resources for Defence teams in Case 002/02



1. On 17 September 2015, Victor Koppe, International Co-Counsel for NUON Chea, informed the Trial Chamber that the NUON Chea Defence team cannot manage the workload in Case 002/02 due to the ongoing disclosure of numerous documents from Cases 003 and 004 (Disclosed Documents) and the relentless trial schedule (T. 17 September 2015 (Draft), pp. 6-7). He submitted that this was particularly the case in light of the fact that they are simultaneously engaged in preparing for the appeal hearing in Case 002/01 (T. 17 September 2015 (Draft), p. 7). He therefore asked to be given either additional "resources immediately" or an adjournment of the hearings on the treatment of the Cham in order to have time to read and process the Disclosed Documents (T. 17 September 2015 (Draft), p. 7). Mr. Koppe also stated that while his team is "in desperate need of extra staff or consultants", numerous requests for additional resources have been denied by the Office of Administration (T. 17 September 2015 (Draft), p. 12).

2. The KHIEU Samphan Defence has also expressed its inability to properly review the "massive amounts of documents" that are being disclosed (T. 17 September 2015 (Draft),

p. 10; E363; E363/2), and has submitted that it does not have enough staff members to review matters related to disclosure (E363, para. 41).

3. The Chamber notes that the on-going disclosure of documents from Cases 003 and 004 places a substantial additional workload on all Parties, including both Defence teams. According to the most recent information provided by the Office of the Co-Prosecutors, such disclosure is very likely to continue until the end of the evidentiary hearings in Case 002/02. The ability of the Parties to take on this additional workload while simultaneously participating in ongoing hearings will necessarily have an impact on trial scheduling.

4. In view of this and further to the submissions by the respective Defence teams, the Trial Chamber requests the Office of Administration to provide it with the following information:

- (1) Has the NUON Chea Defence team formally requested additional resources at any time since January 2015? If so, when were such requests made and what was the outcome of these requests? In the event they were denied, on what grounds were these decisions reached?
 - (2) Could extra resources be made available to the Defence teams in view of the above-mentioned additional workload related to disclosure?
5. The Chamber requests the above information by COB 28 September 2015.