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ព្រះរាជាណាចក្រកម្ពុជា

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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

សាធារណៈ / Public

TRIAL CHAMBER

TO: Major General LOR Soleng, Deputy
Chief of Safety and Security Section

05 April 2016

FROM: NIL Nonn, President of the Trial Chamber

CC: Tony Kranh, Acting Director, Office of Administration;
Trial Chamber Judges; Trial Chamber Senior Legal Officer;
All Parties, Case 002



SUBJECT: Request for report regarding Witness 2-TCW-827

1. The Trial Chamber has been attempting to secure the testimony of 2-TCW-827, due to testify on the Treatment of the Cham in the course of Case 002/02, since September 2015. The Witness has repeatedly refused to accept the summons. While claiming poor health as one of the reasons for his refusal to testify before the ECCC, the Witness refused to undergo a medical assessment. On 16 March 2016, WESU made a final attempt to offer a medical assessment and any available support services to assist him during his testimony, but the Witness refused. On this occasion, WESU also ensured that the Witness was fully aware that Article 315 of the Code of Criminal Procedure of the Kingdom of Cambodia allowed the Court to use public force to compel him to appear, and the Witness verbally affirmed that he was aware of this.

2. On 25 March 2016, having exhausted all means to persuade the Witness to appear, a Legal Officer from the Trial Chamber requested by email a meeting with the Judicial Police Officer to the ECCC, Mr. LOR Soleng. On 28 March 2016, having received no response to the email and having been informed that Mr. LOR Soleng was about to travel to China, a Legal Officer of the Trial Chamber contacted Mr. LOR Soleng by telephone in order discuss the implementation of an order to bring the witness by force to the ECCC.

3. On 29 March 2016, as the Chamber was about to issue the order to the Judicial Police to bring 2-TCW-827 to the Court by force, Mr. LOR Soleng informed the

President of the Trial Chamber that 2-TCW-827 accepted the summons and agreed to testify before the ECCC. On the basis of this representation, the Chamber withheld the order and scheduled the testimony of 2-TCW-827 for Monday, 4 April 2016.

4. On 3 April 2016, WESU informed the Chamber that it had received information from Mr. LOR Soleng that 2-TCW-827 had changed his mind and would not appear before the Court. On 4 April 2016, 2-TCW-827 failed to appear before the ECCC without any justification.

5. The Chamber hereby requests Mr. LOR Soleng provide the Chamber with a report detailing all the contacts undertaken with 2-TCW-827, personally or through other individuals, from 28 March 2016 to date. The report shall also include all information relating to the witness's refusal to appear before the Court, including the specific justifications therefor.

6. The Chamber requests the above report by 3:30pm on Tuesday 5 April 2016.