

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

FILING DETAILS

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**NUON CHEA'S REQUEST TO CORRECT HIS WITNESS LISTS IN RELATION TO
CHARACTER WITNESSES**

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I. INTRODUCTION

1. Pursuant to Internal Rule 92, the Co-Lawyers for Mr. Nuon Chea (the “Defence”) file the instant request to correct the Defence’s witness lists in relation to character witnesses.

II. BACKGROUND

2. On 8 May 2014, the Defence filed its updated lists and summaries of proposed witnesses, civil parties and experts for Case 002/02,¹ in which the character of Mr. Nuon Chea was identified as one of the issues to which the anticipated testimony of 2-TCW-831 (TCW-223) and 2-TCW-877 (TCW-382) related.² On 24 July 2014, the Defence filed its lists and summaries of new witness, civil parties and experts for Case 002/02,³ in which it was indicated that the anticipated testimony of 2-TCW-962 related to, *inter alia*, the character of Mr. Nuon Chea.⁴
3. On 28 June 2015, the Trial Chamber issued a memorandum entitled ‘Final Stages of Case 002/02 – Notice of Deadlines’, in which the Chamber refers to 2-TCW-831, 2-TCW-877, and 2-TCW-962 as character witnesses proposed by the Defence.⁵
4. On 29 June 2016, the Defence advised the Trial Chamber that it had erroneously tagged 2-TCW-877 and 2-TCW-962 as character witnesses and that only 2-TCW-831 was in a position to offer material testimony in relation to Mr. Nuon Chea’s character, and sought to correct its previous requests accordingly.⁶
5. On 1 July 2016, the Trial Chamber advised the Defence that “any request to amend the list of character witnesses must be filed” formally through the electronic filing system.⁷

III. REQUEST

6. The Defence submits that it had erroneously listed 2-TCW-877⁸ and 2-TCW-962⁹ as Mr. Nuon Chea’s character witnesses, whereas only 2-TCW-831 is in a position to

¹ E305/4, ‘Updated Lists and Summaries of Proposed Witnesses, Civil Parties and Experts’, 8 May 2014.

² E305/4.2, ‘Annex B- Updated Summaries of Witnesses, Civil Parties and Experts’, 8 May 2014.

³ E307/4, ‘New Witness, Civil Party and Expert List for Case 002/02’, 24 Jul 2014.

⁴ E307/4.3, ‘Annex B - New Witness, Civil Party and Expert Summaries for Case 002/02’, 24 Jul 2014.

⁵ E421, Memorandum on ‘Final Stages of Case 002/02 – Notice of Deadlines’, 28 Jun 2016, p. 2.

⁶ E-mail from Defence Legal Consultant to Trial Chamber Senior Legal Officer, 29 Jun 2016 (**Attachment 1**).

⁷ E-mail from Trial Chamber Senior Legal Officer to Defence Legal Consultant, 1 Jul 2016 (**Attachment 2**).

⁸ E305/4.2, ‘Annex B- Updated Summaries of Witnesses, Civil Parties and Experts’, 8 May 2014.

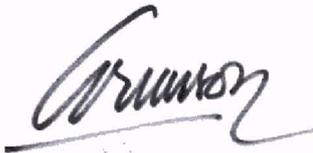
⁹ E307/4.3, ‘Annex B - New Witness, Civil Party and Expert Summaries for Case 002/02’, 24 Jul 2014.

provide testimony in relation to Mr. Nuon Chea's character. The Defence, therefore, seeks to correct its request in relation to 2-TCW-877 and 2-TCW-962's testimony by excluding the character of Mr. Nuon Chea from the proposed issues to which the anticipated evidence of these two witnesses relates.

IV. RELIEF

7. For the above reasons, the Defence requests that its witness lists be corrected to exclude Mr. Nuon Chea's character from the proposed issues to which the anticipated testimony of 2-TCW-877 and 2-TCW-962 is relevant.

CO-LAWYERS FOR NUON CHEA



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