

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

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC **Party Filing:** Co-Prosecutors
Filed to: Trial Chamber **Original Language:** English
Date of document: 22 July 2011

CLASSIFICATION

Classification of the document suggested by the filing party: PUBLIC [with Confidential Annexes]

Classification by the Chamber: សាធារណៈ/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**CO-PROSECUTORS' RESPONSE TO THE TRIAL CHAMBER'S REQUEST FOR
DOCUMENTS RELATING TO THE FIRST PHASE OF TRIAL**

Filed by:

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Distributed to:

Trial Chamber
Judge NIL Nonn. President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

Copied to:

Accused
NUON Chea
IENG Sary
KHIEU Samphan
IENG Thirith

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
PHAT Pouy Seang
Diana ELLIS
SA Sovan
Jacques VERGES

SUBMISSION

1. Pursuant to the Trial Chamber direction issued at the Initial hearing on 27 June 2011, the Co-Prosecutors file their list of documents they intend to put before the Chamber in the first phase of the trial (“First Phase Trial Document List”).¹ Previously, on 19 April 2011, the Co-Prosecutors filed their list of documents they intended to put before the Trial Chamber for all phases of the trial² (“Original Trial Document List”) pursuant to Internal Rule 80(3) and in accordance with the Trial Chamber’s previous “Order to File Material in Preparation for Trial” issued on 17 January 2011.³
2. In requesting the First Phase Trial Document List the Trial Chamber directed the parties to further indicate which documents and exhibits from their earlier document lists would be relevant to the following four segments of the first phase of the trial;
 - (1) the structure of Democratic Kampuchea (“DK”);
 - (2) the roles of each accused during the period prior to the establishment of DK including when these roles were assigned;
 - (3) the role of each accused in the DK Government, their assigned responsibilities, the extent of their authority and the lines of communication throughout the temporal period the with which the ECCC is concerned; and
 - (4) the policies of DK on the issues raised in the indictment.⁴
3. Having reviewed the Original Trial Document List containing 6488 documents 4768 are directly relevant to the issues raised in the first phase of the trial and 1720 to the other phases. In order not to produce duplicative lists the Co-Prosecutors have indicated on the Original Trial Document List by green highlights the documents they intend to put before the Chamber in the first phase of the trial. This indicator is in addition to the entries identifying the Indictment issues to which the documents provide relevant evidence as seen in the far right column entitled “Points to the Indictment” of all of the Annexes.

¹ **E1/4.1**, Transcript of Initial Hearing, 27 June 2011, ERN 00712161, p. 25


² **E9/31**, Co-Prosecutors’ Rule 80(3) Trial Document List, 19 April 2011, ERN 00667444-00667455

³ **E9**, Trial Chamber’s “Order to File Material in Preparation for Trial,” 17 January 2011, para. 12-13.

⁴ **E1/4.1**, Transcript of Initial Hearing, 27 June 2011, ERN 00712144, p.5

4. Consequently, the original organisation of the Trial Document List has not been disturbed leaving the 6488 documents divided into the 20 separate Annexes constituting 33 different document types. Within each Annex the documents are ordered chronologically or alphabetically, as most appropriate to assist the Chamber and the parties in locating the documents and understanding their relevance. Each Annex includes the Document number, type, author, date, title, Khmer, English and French ERNs, a description of the document and the relevant points of the Indictment which each document assists in proving.
5. By further highlighting the first phase documents on the Original Trial Document List the cumulative and comparative value of these documents can be seen in the context of all of the documents the Co-Prosecutors seek to admit at trial and thereby the consistency and clarity of the overall case of the Co-Prosecutors is maintained. This approach also avoids further lengthy translation by the Interpretation and Translation Pool (“ITU”). The Co-Prosecutors have been advised by the ITU that the Original Trial Document List will be available in all three languages by August 2011.
6. In the course of the proceedings documents predicted to be relevant to the other phases of the trial may be required to be put before the Trial chamber in the first phase and vice versa. Nonetheless, this list represents the best efforts of the Co-Prosecutors to give the Trial Chamber and the Parties as much advanced notice as possible of the documents it intends to put before the Chamber during the first phase of the trial.

Respectfully submitted

Date	Name	Place	Signature
22 July 2011	CHEA Leang Co-Prosecutor	Phnom Penh	
	William SMITH Deputy Co-Prosecutor		