

E131/18



**ឯកសារដើម**  
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**ព្រះរាជាណាចក្រកម្ពុជា**  
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**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

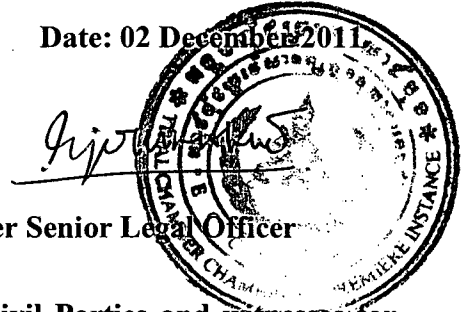
Kingdom of Cambodia  
Nation Religion King  
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Nation Religion Roi

**TRIAL CHAMBER**

**TO: All parties, Case 002**

**Date: 02 December 2011**

**FROM: NIL Nonn, President, Trial Chamber**



**CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer**

**SUBJECT: Notice of variation of order of call of Civil Parties and witnesses for first trial session (5-16 December 2011) and further information related to hearing of evidence during this session (E131/1.2)**

Reference is made to Confidential Annex B (E131/1.2), which provided early notice to the parties of 8 Civil Parties and witnesses to be called during the above trial session and beyond. The purpose of this memorandum is to provide notice that the Chamber intends to vary the order of call to that indicated in the above Confidential Annex, and to otherwise provide the parties with updated information regarding the hearing of the first Civil Parties and witnesses in Case 002/01:

*Hearing of Civil Parties:*

Whilst the Chamber still intends to hear Civil Parties TCCP 185 and TCCP 123 (in this order, and immediately following the questioning of the Accused), the Chamber has recently become aware of technical constraints that might impede its ability to hear these Civil Parties as scheduled. A final decision will be taken on this issue late on Monday 5 December 2011. The parties are accordingly on notice of the possibility that the Chamber will instead proceed directly to the hearing of the below witnesses following questioning of the Accused.

The Chamber advises that it will no longer hear Civil Party TCCP 142 during this early session. His testimony is instead deferred to a later stage in the trial.

*Hearing of witnesses:*

The Chamber advises the parties that the Chamber has since varied its envisaged order of call of witnesses listed in Confidential Annex B and now intends to hear them in the following order:

TCW 542  
TCW 395  
TCW 564  
TCW 583

TCW 395 is elderly, in extremely poor health, and resides in a remote location. He is not fit to travel to Phnom Penh. The Chamber has on its own motion decided to hear his testimony by video-link. The technical demands in establishing a connection by video-link to hear this witness are considerable. As this witness' state of health fluctuates from day to day, the Chamber may in its discretion to hear this witness earlier or later, as required.

Although it is likely that Witnesses TCW 564 and 583 will not be heard until after the Trial Chamber resumes on 9 January 2011, they have nonetheless been summoned during this session to safeguard the consistent flow of witnesses before the Chamber during the 5-16 December 2011 session.

Pursuant to the Co-Prosecutor's Motion 144, the Chamber has today requested the Witness and Expert Support Unit to make further enquiries into reports regarding the last remaining witness on Confidential Annex B (TCW 297) and to report back to the Chamber as soon as possible (E144/1).

