

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

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC

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**LIST OF DOCUMENTS TO BE ADMITTED BEFORE THE TRIAL CHAMBER IN CONNECTION
WITH THE WITNESSES AND CIVIL PARTIES WHO MAY BE CALLED
DURING THE FIRST THREE WEEKS OF TRIAL**

Defence for Ieng Thirith:

PHAT Pouy Seang
Diana ELLIS, QC

Trial Chamber Judges:

NIL Nonn, President
Silvia CARTWRIGHT
YOU Ottara
Jean-Marc LAVERGNE
Ya SOKHAN

Civil Party Co-Lead Lawyers:

PICH Ang
Elisabeth SIMONNEAU FORT

Co-Prosecutors:

CHEA Leang
Andrew CAYLEY

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1. On 25 October 2011, the Trial Chamber informed the parties by way of a Memorandum that the hearing of evidence in Case 002 will commence on 28 November 2011.¹ The Trial Chamber requested the parties to the proceedings to indicate, no later than 1 November 2011, which documents and exhibits from their earlier lists they will seek to admit before the Chamber in connection with those witnesses and experts who may be called during the first three weeks of the trial.²
2. The defence for Madame Ieng Thirith (**Accused**) hereby provides the Trial Chamber, in its **Annex A**, with a list of those documents that the defence considers relevant to the first segment of the trial and seeks to admit before the Trial Chamber.
3. The defence is currently unable to take instructions from the Accused. The defence brought this matter to the attention of the Trial Chamber on 20 October 2011 during the Accused's Fitness to Stand Trial Hearing. The Trial Chamber received evidence from two psychiatrists who presented the joint view of themselves and two other colleagues as to the Accused's mental state. In their opinion the Accused is suffering from a moderately severe dementia, which is very likely Alzheimer's Disease. Their opinion echoed that of Professor Campbell and others. The Trial Chamber was informed that one of the many brain functions that has been affected by this condition is the memory of the Accused, both long and short term. Due to her memory deficit, the Accused cannot recall her past in any detail and with any degree of reliability. She is unable to provide an account of her movements, actions and responsibilities during the period relevant to the indictment, namely between 1975 and 1979.³ Neither can she remember details of

¹ TC, Memorandum entitled 'Witness Lists for early trial segments, deadline for filing of admissibility challenges to documents and exhibits, and response to Motion E109/5', 25 October 2011, Document No. E131/1.


² *Ibid.*, p. 1.

³ Transcript of the Hearing on Specification of Civil Party Reparations Awards and Accused Ieng Thirith's Fitness to Stand Trial, 20 October 2011, Document No. E1/12.1, p. 92.

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her life prior to or after that era.⁴ As a consequence of this incapacity the Accused cannot contribute in any way to the preparation of her case for trial or to its presentation before the Trial Chamber.⁵ The Accused is unable to participate in any rational discussion as to the selection of documents which might be relevant and significant to the issues in the case. It follows that the selection of documents is made by the defence who act on behalf of the Accused and exercise their judgment as to the material to be presented without any assistance or input from her. She has been unable to participate in the compilation of the list of documents.

4. The defence respectfully seeks to ensure that it will be permitted to add documents to this list, if the circumstances change and the Accused becomes able to instruct her defence at a future date. If such a situation arises then, with assistance from the Accused, it may be possible to identify other relevant material which will be significant in the presentation of the defence case.
5. Finally, the defence respectfully requests the Trial Chamber to add a document to its Annex A which was not previously listed in the defence's earlier list of documents.⁶ The defence considers this document relevant for the first segment of the trial and seeks to admit it before the Chamber.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	1 November 2011	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	 P.P.

⁴ Idem.

⁵ *Ibid.*, pp. 101-102.

⁶ Timothy Carney 'Cambodia 1975-1978 – 3. The Organization of Power', Document No. D3/AnnexC/2.6.