



**ឯកសារដើម**  
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: ..... Ratanak .....

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
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

**TRIAL CHAMBER**

សាធារណៈ / Public

**TO: IENG Sary Defence; all parties, Case 002**

Date: 7 June 2011

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



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

**SUBJECT: Trial Chamber Decision in relation to IENG Sary Defence Motions**

Reference is made to your Motion E87, in which you requested clarification on a) the length of opening statement that the Trial Chamber envisages for each Defence team and b) whether Defence teams are permitted to contact potential witnesses and experts in advance of trial.

The Chamber advises that opening statements will not form part of the forthcoming Initial Hearing, but will instead precede the commencement of the hearing on the substance. The date of commencement of the latter has yet to be announced, but will be the subject of scheduling orders in due course. The Chamber can, however, already indicate that an allocation of 10 hours is well in excess of the likely time that the Chamber will grant to each Defence team.

Regarding your second request, the Chamber notes that the IENG Sary Defence has not provided the Chamber with a list of witnesses as envisaged in the Chamber's Order to File Materials (E9), and that the deadline for doing so has since elapsed. It is accordingly unclear from your Motion as to which witnesses and experts you would wish to contact, and for what purpose. At the Trial Management Meeting, the Chamber advised the parties of the subject-matter of the first segments of the trial on the substance and has since indicated that lists of potential witnesses and experts submitted by the parties will be discussed at the Initial Hearing (E86). The Chamber refers the IENG Sary Defence to memorandum E93, dated 3 June 2011, which provides further particulars to the parties regarding the Chamber's modalities for consideration of these potential witnesses at the Initial Hearing.

The request that the IENG Sary Defence be permitted to contact either witnesses contained on other parties' witness lists or others viewed by the IENG Sary Defence as potential new witnesses is accordingly rejected.

The Chamber further takes this opportunity to advise that your request (Motion E71/1/2) for the reclassification of Motion E71 as public has been granted. This reclassification will occur over the coming days and notified on the case file.

This constitutes the Chamber's official response to Motions E87 and E71/1/2. *gt*