



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 03 / 06 / 2011

ម៉ោង (Time/Heure) : 15:40

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

E 93

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

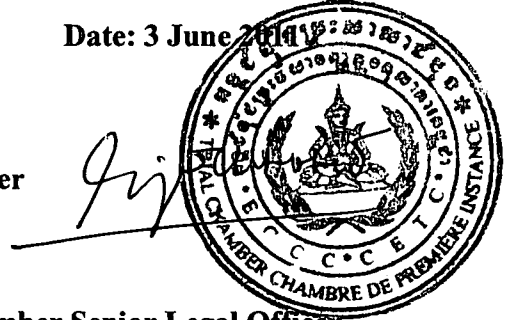
TRIAL CHAMBER

TO: All parties, Case 002

Date: 3 June 2011

សាធារណៈ / Public

FROM: Nil Nonn, President, Trial Chamber Chamber



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

SUBJECT: Directive in advance of Initial Hearing concerning proposed witnesses

The Chamber has previously indicated that lists of potential witnesses and experts submitted by the parties in accordance with the Internal Rules will be discussed at the Initial Hearing (E86). It has also informed the parties at the Trial Management Meeting of its intention to commence the hearing of the substance with consideration of four areas, namely: (1) the structure of Democratic Kampuchea; (2) the roles of each Accused during the period prior to the establishment of Democratic Kampuchea, including when these roles were assigned; (3) the role of each Accused in the Democratic Kampuchean government, their assigned responsibilities, the extent of their authority and the lines of communication throughout the temporal period with which the ECCC is concerned; and (4) policies of Democratic Kampuchea on the issues raised in the Indictment (T., 5 April 2011, page 52).

At the Initial Hearing, the Chamber will limit discussion of proposed witnesses and experts to those relevant to these first four trial segments. In order to facilitate preparation for this hearing, the Chamber provides the following additional information to the parties:

- The Chamber has analysed the witness lists filed by the parties. As the Accused are entitled to a fair and expeditious trial, there is a need to significantly reduce the number of witnesses to be called at trial. Further, a significant portion of these lists comprise proposed new witnesses and experts. The Chamber accordingly requests the parties to provide, in advance of the Initial Hearing:

- i. *In relation to witnesses previously heard before the Co-Investigating Judges (OCIJ):* Please indicate, in descending order of relevance and probative value, those witnesses and experts you consider most relevant to these first four trial segments.
 - ii. *In relation to proposed new witnesses:* Please identify, in descending order of relevance and probative value, which of your proposed new witnesses and experts you consider most to be most relevant to these first four trial segments. Please provide the Trial Chamber with your reasons for listing them in the priority indicated (*i.e.* having direct knowledge that is more specific to the charges in the indictment than other proposed witnesses, having strong probative value, *etc.*). You should also indicate why these new witnesses and experts were not suggested for interview before the OCIJ (or, if rejected by the OCIJ, the basis for this, where known).
- These requested lists and supplemental explanations should be as brief as possible and shall be filed before the Chamber no later than Monday 20 June 2011. As these filings will be used solely by the Chamber to update existing witness lists and databases, these submissions may, on an exceptional basis, be filed before the Chamber in either Khmer, English or French only. Responses, if any, to these filings may be made orally by the parties at the Initial Hearing.

Following the Initial Hearing and having heard the parties' submissions, the Chamber will announce the list of primary witnesses for these early trial segments in due course. (Other relevant witnesses may be included on a reserve list and be called by the Chamber should witnesses on the primary list be unavailable). As the Chamber will then shortly afterwards request the parties to identify all documents they consider relevant to these early trial segments, the parties are also requested to commence the process of document review for this purpose as soon as possible.

The Chamber rejects at this stage the requests of the IENG Sary and NUON Chea Defence (E89 and E89/1 respectively) to add certain pre-1975 and post-1979 topics, in addition to other allegedly relevant contextual elements, to the list of those issues that the Trial Chamber has already indicated will be heard at trial. Background contextual issues and events outside the temporal jurisdiction of the ECCC will be considered by the Chamber only when demonstrably relevant to matters within the ECCC's jurisdiction and the scope of the trial as determined by the Chamber.