

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

FILING DETAILS

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**CO-PROSECUTOR'S REQUEST FOR EXTENSION OF TIME TO RESPONSE TO
OBJECTION TO THE WITNESSES AND EXPERTS PROPOSED BY THE OTHER PARTIES**

FILED BY:

Co-Prosecutor:
CHEA Leang

DISTRIBUTE TO:

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

Civil Party Lead Co-Lawyers:
PICH Ang
Elisabeth SIMONNEAU FORT

**Charged Persons and
Defence Teams:**

NUON Chea
SON Arun
Michiel PESTMAN
Victor KOPPE

IENG Sary
ANG Udom
Michael G. KARNAVAS

KHIEU Samphan
SA Sovan
Jacques VERGÈS
Philippe GRÉCIANO

IENG Thirith
PHAT Pouv Seang
Diana ELLIS

INTRODUCTION

1. Pursuant to the Trial Chamber's "*Order to File Material in Preparation for Trial*" (the 'Order')¹ the Co-Prosecutors will submit their objection to the calling of some of the proposed witnesses and experts by other Parties.
2. In total the Parties, including the Co-Prosecutors, have proposed a total of 1095 witnesses, experts and civil parties. In particular, the Co-Prosecutors have proposed 295 witnesses and experts; Nuon Chea has proposed 527 witnesses and experts (*including* 31 witnesses on the Co-Prosecutors list),² 13 experts and 5 civil parties;³ Khieu Samphan has proposed 35 witnesses (*in addition* to 26 witnesses on the Co-Prosecutors list) and 32 experts;⁴ Ieng Thirith has proposed 9 witnesses and experts;⁵ Ieng Sary has proposed 5 experts⁶ and the Civil Parties have proposed 16 witnesses, 15 experts and 140 civil parties.⁷
3. The Co-Prosecutors notify their intention to object to the hearing of certain witnesses and experts proposed by Nuon Chea, Khieu Samphan, Ieng Thirith, Ieng Sary and Civil Parties.
4. The Co-Prosecutor notifies that the lists of witnesses, experts and the Civil Parties filed by the parties, most of them, are in foreign language. These lists eventually make the national and international Co-Prosecutors difficult in their discussion on whether or not to object to certain witnesses, experts and the Civil Parties.
5. In addition, the Office of the Co-Prosecutors had drafted, in English, the annexes of the lists of witnesses, experts and the Civil Parties that are to object to the proposed lists by other parties. Because of the complexity and the great amount of work, the annexes of the lists of witnesses, experts and the Civil Parties, in English, had just been finished by 3:00pm.

¹ Document No. E9, 'Order to File Material in Preparation for Trial', 17 January 2011, ERN 00635754-00635759; Document No. E9/4, 'Co-Prosecutors' Rule 80 Expert, Witness and Civil Party Lists, Including Confidential Annexes 1, 2, 3, 3A, 4, and 5, 28 January 2011, ERN 00640669-00640844.

² Document No. E9/4/4.4, 'Annex A: Proposed Witness List (Where No Protective Measures Are Sought) - Nuon Chea Defence Team', 15 February 2011, ERN 00645893-00646073.

³ Document No. E9/4/4, 'List of Proposed Witnesses, Experts, and Civil Parties', 15 February 2011, ERN 00644417-0644444.

⁴ Document No. E9/4/6, 'Listes de Témoins et Experts Proposés', 21 February 2011, ERN 00646238-00649194.

⁵ Document No. E9/4/5, 'IENG Thirith List of Witnesses and Experts', 15 February 2011, ERN 00644447-00644453.

⁶ Document No. E9/4/2, 'IENG Sary's List of Proposed Experts and Notification Concerning his Witness and Civil Party Lists', 14 February 2011, ERN 00644216-00644222.

⁷ Document No. E9/4/3, 'Civil Party Lead Co-Lawyers' Rule 80 Witness, Expert and Civil Party Lists, Including Confidential Annexes 1, 2a, 2b, 3a, 3b, and 4', 15 February 2011, ERN 00645265-00645352.

parties. Because of the complexity and the great amount of work, the annexes of the lists of witnesses, experts and the Civil Parties, in English, had just been finished by 3:00pm.

6. It is because of the time as stated above which made the National Prosecutor unable to consider properly and fully, on the lists contained in the annexes in English.
7. In order to have sufficient bases for seeking to understand and consider properly and to assist chamber in the assessment of this objection, the National Co-Prosecutor requests the Trial Chamber to grant it an extension of time for filing this response to the objection to the witness, expert and civil-party lists, so enable the National Co-Prosecutor to have possibility to study precisely beforehand on such witness, expert and civil-party lists that were submitted by the parties, before it could file its objection to those lists.

REQUEST

8. As stated above the Co-Prosecutor, therefore, request the Trial Chamber to grant an extension an extension of time for filing this response until 15 March 2011.

Respectfully submitted,

Date	Name	Place	Signature
7 March 2011	CHEA Leang Co-Prosecutor	Phnom Penh	