

**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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**IENG THIRITH DEFENCE MOTION REGARDING
ORDER TO FILE MATERIALS IN PREPARATION FOR TRIAL**

Filed by:

Distribution to:

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Diana ELLIS, QC

Trial Chamber Judges:

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Silvia CARTWRIGHT
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Co-Prosecutors:

CHEA Leang
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**Civil Party Lawyers and
Unrepresented Civil Parties**

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I INTRODUCTION

1. On 17 January 2011, the Trial Chamber issued its 'Order to File Material in Preparation for Trial' (**Order**).¹
2. In the Order, the Trial Chamber requests the parties to provide information on the witnesses they intend to put on their witness list. The information includes:
 - (ii) Current address and / or contact details;
 - (iv) Any applicable existing protective measures and reference to the relevant decision providing for such measures;
 - (viii) Where relevant, the type of oath to be taken.
3. The defence submits it is unable to provide the requested information set out in paragraph 2 herein.

II SUBMISSION

4. The defence respectfully submits that it cannot provide such information, as it was explicitly prohibited by the Office of the Co-Investigating Judges from conducting its own investigations. The Co-Investigating Judges informed the defence that:

[T]he power to conduct judicial investigations is assigned solely to the two independent Co-Investigating Judges and not to the parties.²
5. The defence deems itself still bound by this prohibition, and unless the Chamber rules otherwise, the defence is not in a position to contact the witnesses it intends to put on its witness list.

¹ TC, Order to File Material in Preparation for Trial, 17 January 2011, Document No. E9. This document was notified to the parties on 18 January 2011.

² OCIJ, Response to Your Letter Dated 20 December 2007 Concerning the Conduct of the Judicial Investigation, 10 January 2008, Document No. A110/I.



III CONCLUSION

6. For these reasons, it is impossible to determine the witnesses' current addresses and / or contact details and what type of oath they intend to take. Further, given that the decisions concerning protective measures fall within the 'strictly confidential' part of the case file, to which the defence does not have access, the defence is not in a position to provide information as to the applicable protective measures of the witnesses on its witness list.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	21 January 2011	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	

