

E9/4/7

BEFORE THE TRIAL CHAMBER

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

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IENG SARY'S NOTIFICATION CONCERNING OBJECTION TO OCP PROPOSED WITNESSES (ANNEXES 3, 3A AND 5)

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Judge Silvia CARTWRIGHT

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Reserve Judge YOU Ottara

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Co-Prosecutors:

CHEA Leang


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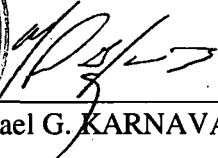
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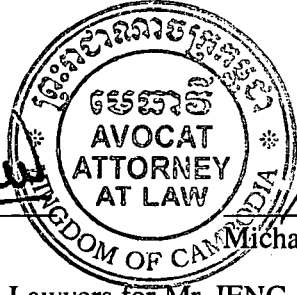
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Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby notifies the Trial Chamber that he reserves his right to object to any of the proposed witnesses listed in the Office of the Co-Prosecutor’s **Annexes 3** (witnesses – no protective measures sought), **3a** (a witness for whom protective measures have been sought) and **5** (authenticating witnesses the OCP does not propose to summon at this time).¹ Separate filings related to OCP **Annexes 2** (experts) and **4** (Civil Parties) will be forthcoming. There are 246 witnesses listed in **Annex 3** and summaries of their proposed testimony have not yet been provided by the OCP. It is therefore impossible at this stage to determine whether objections against any of these proposed witnesses are necessary.² The Defence has not been provided with **Annex 3a** and it is therefore impossible to determine whether an objection to the proposed witness listed therein is necessary. The OCP has stated that it does not intend to request the summons of the proposed witnesses listed in **Annex 5** at this time. Therefore, no objection to the proposed witnesses in **Annex 5** is currently necessary. Should the OCP announce at a later stage that it intends to call any of these proposed witnesses, the Defence reserves the right to object within a reasonable time upon being provided with summaries of their proposed testimony and summaries of their expertise if applicable. Should any statements by any of the proposed witnesses be put before the Trial Chamber,³ the Defence reserves the right to confront these witnesses.

Respectfully submitted,


 ANG Udom


 Michael G. KARNAVAS



Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 21st day of February, 2011

¹ *Case of NUON Chea*, 002/19-09-2007-ECCC/TC, Co-Prosecutors’ Rule 80 Expert, Witness and Civil Party Lists, Including Confidential Annexes 1, 2, 3, 3A, 4 and 5, Annexes, E9/4.3, E9/4.5.

² There is one exception – Ms. Ewa Tabeau was proposed in Annex 3. It appears that OCP should have instead proposed her as an expert in Annex 2. An objection to Ms. Tabeau will be filed separately.

³ At this stage, the Defence is unaware of whether the OCP will seek to introduce any statements from the proposed witnesses. The Trial Chamber has not required the parties to provide such information until 13 April 2011, in accordance with the Trial Chamber’s Order. *Case of NUON Chea*, 002-19-09-2007-ECCC/TC, Order to File Materials in Preparation for Trial, 17 January 2011, E9, ERN: 00635754-00635759, paras. 12-14.