

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

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**LEAD CO-LAWYERS' REQUEST TO CONDUCT VIDEO LINK TESTIMONY FOR
CIVIL PARTY D22/2732**

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Before:

Trial Chamber

Judge NIL Nonn, President
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara
Judge Claudia FENZ

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I. INTRODUCTION

1. Following new information received from the Witnesses and Expert Support Unit (“WESU”), the Lead Co-Lawyers for the Civil Parties (“Lead Co-Lawyers”) hereby request Civil Party D22/2732 to be interviewed via video-link during the hearings on the harm suffered (“Impact Hearings”) pertaining to the trial segment on Security Centres and Internal Purges (hereinafter, referred to as “Fourth Segment”).

II. PROCEDURAL BACKGROUND

2. On 1 August 2016, the Lead Co-Lawyers confirmed the ability and good health of all the Civil Parties that had been selected to be on the provisional list of civil parties to be heard during the Impact Hearings for the Fourth Segment.¹ The Lead Co-Lawyers received response from the Legal Assistant of *Défense Sans Frontière* that the Civil Party was healthy and able to testify before the court.²
3. On 1 August 2016, the Lead Co-Lawyers submitted their list of selected Civil Parties for the Impact Hearings for the Fourth Segment³ along with a proposed schedule for the two days of hearings.⁴ Civil Party D22/2732 was scheduled to testify in person on the second day, tentatively to begin at 1:15 PM.
4. As per the latest scheduling by the Trial Chamber dated 5 August 2016, the Impact Hearings have been scheduled to take place on 11 and 15 August 2016.⁵

III. DISCUSSION

5. Following the Submission on Impact Hearings, the Lead Co-Lawyers were informed through WESU that Civil Party had concerns about deterioration in her health and could not manage to travel for the Impact Hearings to Phnom Penh.⁶ The Civil Party

¹ See Annex I, email from Associate Legal Officer to the Civil Party Lawyers, 1 August 2016 at 9:40 AM.

² Annex I, email from *Assistant Juridique* to Associate Legal Officer, 1 August 2016 at 4:06 PM.

³ Lead Co-Lawyers’ Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Fourth Segment), E315/1/6, 1 August 2016 (“Submission on Impact Hearings”).

⁴ Confidential Annex A: Provisional and Proposed Schedule for Hearings on Harm Suffered: Fourth Segment, E315/1/6.1, 1 August 2016 (“Provisional and Proposed Schedule”).

⁵ Email from Senior Legal Officer, Trial Chamber to the parties, 5 August 2016 at 2:42 PM.

⁶ Annex II, email from WESU Administrative Officer to Senior Legal Officer, 5 August 2016.

- resides in Mondulkiri and, as per her communication with WESU about her medical tests, the symptoms do not allow her to sit for a long time.⁷
6. The Lead Co-Lawyers have been informed by the Civil Party Lawyer that the Civil Party has nevertheless expressed her continued willingness to testify for the Impact Hearings on condition that her health does not decline further. The Lead Co-Lawyers have collaborated with the concerned Civil Party Lawyer to consider and discuss the possibility for her to testify via video-link. The Civil Party and the Civil Party Lawyer have informed the Lead Co-Lawyers that she finds this mode of testimony suitable.
 7. The Trial Chamber has previously granted the request to hear civil parties via video-link on account of advanced age, physical health, and extended travel time required.⁸ The Lead Co-Lawyers submit that conducting the Civil Party's testimony via video-link would permit her to testify and alleviate concerns for her health condition being worsened by travel. The Lead Co-Lawyers further submit that this mode of testimony would not cause any prejudice to other parties in their preparation.
 8. For these reasons, the Lead Co-Lawyers request the Trial Chamber to conduct her impact testimony via video-link.

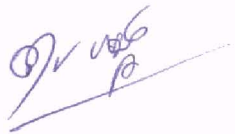
IV. REQUEST

9. The Lead Co-Lawyers respectfully request that the Trial Chamber:
 - a) accept the alteration of the mode of testimony for the Civil Party in the Provisional and Proposed Schedule; and
 - b) order the Witnesses/Experts Support Unit to facilitate and make necessary arrangements to conduct Civil Party's testimony via video-link.

⁷ *Ibid.*

⁸ Order for Video-Link Testimony of Civil Party 2-TCCP-1049, **E315/1/6/1**, 5 August 2016, para.2; Order for Video-Link Testimony of Civil Party TCCP-13, **E236/5/3/2**, 22 May 2013; Request for Video-Link for TCCP-1 (Denise Affonco), **E236/1/1/1**, 21 November 2012, p. 1.

Respectfully submitted,

Date	Name	Place	Signature
8 August 2016	PICH ANG Lead Co-Lawyer	Phnom Penh	
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