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| ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de réception):<br>០៩/១២/២០១២ |
| ទីកន្លែង (Location):<br>10:47                                    |
| ឈ្មោះ (Name):<br>UCLH, ACLM                                      |

សាធារណៈ / Public

E236

Individuals sought by the parties to be heard at trial  
 as communicated during or immediately after the Trial Management Meeting to  
 the Trial Chamber Senior Legal Officer)  
 Proposed reductions of Trial Chamber's partial list of witnesses, Experts and  
 Civil Parties (E131/1.1)

Of the 15 individuals identified by the Chamber as candidates for withdrawal or deferral in paragraph 5 of the TMM Agenda (E218):

The Co-Prosecutors seek to retain the oral testimony of six (TCW-320, TCW-475, TCCP-186, TCCP-142, TCW-548 and TCW-796), the Lead Co-Lawyers, in addition to supporting the Co-Prosecutors' request to retain TCCP-142 and TCCP-186, of one further individual on this list (TCCP-178) and the retention of one additional Civil Party from a previous list (TCCP-94) and the KHIEU Samphan Defence of four individuals (in addition to two of whom are also sought by the OCP or Lead Co-Lawyers) (TCW-620, TCW-679, TCW-475 and TCW-707).

The proposal to withdraw or defer the testimony of six individuals, namely TCW-638, TCW-354, TCW-780, TCW-234 and TCW-645 was unopposed.

Please note that TCW-536 was inadvertently omitted from paragraph 5 of the TMM Agenda, and the Chamber currently proposes to drop or defer his testimony in relation to the current trial segments. He is, however, under consideration as a potential witness in relation to the population movement trial segments. The Co-Prosecutors support retention of this witness, and the KHIEU Samphan Defence wish him to be heard in the event his work cited in the Closing Order footnotes is admitted into evidence before the Chamber.

*2. Invitation to the parties for further suggested reductions to list E131/1.1*

The Co-Prosecutors consider that TCW-91, TCW-326, TCCP-94, TCW-126, TCW-724 and TCW-794 need not be heard (opposed by the Lead Co-Lawyers (in relation to TCCP-94)). The IENG Sary Defence propose that TCE-65 and TCE-80 not be called (opposed by the Co-Prosecutors and Lead Co-Lawyers (in relation to both experts) and the KHIEU Samphan Defence (in relation to TCE-65)).

*3. Co-Prosecutors' proposal to add seven further individuals to list E131/1.1*

TCW-505, TCW-754, TCW-100, TCE-33, TCW-720, TCW-781 and TCW-164 (opposed by all or some Defence teams).

*4. Individuals proposed by the parties for population movement phases I and II trial segments*

Co-Prosecutors: 15 individuals for population movement phase one (TCCP-64, TCW-690, TCW-458, TCW-565, TCW-701, TCW-43, TCW-161, TCCP-25, TCCP-89, TCCP-138, TCW-362, TCW-356, TCW-253, TCW-507 and TCW-247) and six

individuals for population movement phase two (TCW-285, TCW-661, TCCP-169, TCCP-45, TCCP-1 and TCW-714) (E218/2).

Lead Co-Lawyers: a total of 37 individuals proposed, of which the following were contained on a priority list: TCCP-187, TCCP-9, TCCP-35, TCCP-59, TCCP-54, TCCP-62, TCCP-82, TCCP-105, TCCP-108, TCW-527, TCCP-116, TCCP-117, TCCP-150, TCW-674, TCCP-188 and TCCP-170. A further 21 individuals are identified on a supplementary list.

NUON Chea Defence: TCW-62, TCW-204, TCW-92, TCW-139, TCW-213, TCW-223, TCW-230, TCW-258, TCW-342, TCW-497, TCW-509, TCW-539, TCW-624, TCW-628, TCW-643 and TCE-74.

IENG Sary and KHIEU Samphan Defence: no further individuals sought for these phases

5. *Individuals other than those already on list E131/1.1 alleged by the Defence to be necessary to rebut the allegations against the Accused (TMM Agenda (E218), para. 12).*

IENG Sary Defence: TCW-243 and TCW-292.

KHIEU Samphan Defence: TCW-384, TCW-570, TCW-681, TCW-663, TCW-673 and TCW-665.

NUON Chea Defence: TCW-85, TCE-33, TCW-676, TCE-20, TCE-23, TCE-24, TCE-28, TCE-40, TCE-56, TCE-75, TCW-301, TCW-389, TCW-126 (responsibility of subordinate officials and witnesses considered necessary to challenge inculpatory testimony) and TCW-122, TCW-371, TCW-572, TCW-625, TCW-656, TCW-74, TCW-305, TCW-442, TCW-477, TCE-10, TCW-220, TCW-222, TCW-266, TCW-311, TCW-430, TCW-446, TCW-559, TCW-768, TCW-769, TCW-791 (contextual considerations, such as role of Vietnam and US, and conditions in Cambodia prior to 1975)

In addition, the NUON Chea Defence seek to hear the following individuals unrelated to the role of the Accused NUON Chea: TCW-7, TCW-206, TCW-212, Christophe Peschoux (not on original Defence list), TCW-511, TCW-243, TCW-292, TCW-494, TCW-649, TCW-248, TCW-658, TCW-317, TCW-353, TCW-524, TCW-86, TCW-108, TCW-541, TCW-630, TCW-792, TCW-57, TCW-132, TCW-530, TCW-704, TCW-731, TCW-274, TCW-383, TCW-513, TCW-568, Laurent Kasper-Ansermet (not on original Defence list), TCW-30, TCW-533, TCW-575, TCW-58 (fair trial, independence of the judiciary) and TCW-25, TCW-31, TCW-61, TCE-33, TCW-383, TCE-78, TCW-736, TCW-558, TCE-1, TCE-19, TCE-39, TCE-42, TCE-77 (fairness of the judicial investigation)

The KHIEU Samphan Defence support the request of the NUON Chea Defence to hear TCW-511 and TCW-31.

6. *Individuals sought to be heard by the Co-Prosecutors in support of their request to expand the scope of trial*

In relation to District 12: TCW-386, TCW-162, TCW-160, TCW-422, TCW-651 and TCW-298; in relation to Toul Po Chrey: TCW-752 and TCW-389; and in relation to S-21: TCW-540, TCW-698, TCW-232, TCCP-21 and TCW-281

7. *Additional individuals the other parties would seek to call if these proposed extensions were granted*

Lead Co-Lawyers: D22/2062 and D22/2076 (Toul Po Chrey)

IENG Sary Defence: no further individuals sought or indicated at TMM or subsequently.

KHIEU Samphan Defence: no further individuals identified at the TMM or subsequently, but indicated an intention to contest the proposed extensions, to pose objections to documents sought in consequence of any extension of trial, and may request the recall of certain witnesses in the event these extensions are granted.

NUON Chea Defence: TCW-49, TCW-53, TCW-115, TCW-88, TCW-118, TCW-125, TCW-140, TCW-232, TCW-290, TCW-316, TCW-348, TCW-367, TCW-379, TCW-405, TCW-410, TCW-441, TCW-470, TCW-474, TCW-479, TCW-491, TCW-499, TCW-512, TCW-523, TCW-540, TCW-598, TCW-632, TCW-655, TCW-698, TCCP-21, TCCP-22 and TCCP-93 (S-21)

8. *Proposed character witnesses*

KHIEU Samphan Defence: TCW-277, TCW-673, TCW-84, TCW-665, and TCW-742.

NUON Chea and IENG Sary Defence: to be notified in due course.