

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

Case File No. : 001/18-07-2007- ECCC/TC
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CONFIRMATION OF REQUEST TO CALL
Ms MEAS KIMSIEU AS A WITNESS (D14)

Filed by:
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Mr KAING Guek Eav
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Before:
The Judges of the Trial Chamber
Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

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MAY IT PLEASE THE TRIAL CHAMBER

1. By letter dated 20 July 2009, the Trial Chamber requested the Defence to state its position regarding its request to call Ms Meas Kimsieu as a witness, having regard to the assessment of the Witness and Expert Support Unit.¹
2. In view of the said assessment, the Defence hereby presents the following submissions after having obtained Ms Meas Kimsieu's comments.
3. The reasons for her testimony are:
 - On the one hand, Ms Meas Kimsieu has confirmed to the Defence that she wants to come and address the Chamber, subject only to her state of health on the day of the hearing.
 - On the other hand, as the mother of the Accused, Ms Meas Kimsieu will not be required to swear an oath, as she is exempt pursuant to Rule 24(2)(a) of the Internal Rules, and her testimony is expected to last no more than 10 minutes in total, assuming that the parties will refrain from subjecting her to cross-examination.
 - Lastly, under Article 14 of the International Covenant on Civil and Political Rights, the Defence is of the view that her testimony is necessary in view of the impending examination of mitigating circumstances.
4. Moreover, the Defence concurs with the assessment of the Witness and Expert Support Unit according to which Ms Meas Kimsieu's address should be kept confidential. However, the Defence does not deem it necessary to use voice distortion in regard to Ms Meas Kimsieu since she has clearly indicated that she is prepared to testify in open court.

FOR THESE REASONS

¹ Documents E40/2 and E105.

5. Noting Article 14 of the International Covenant on Civil and Political Rights, the Defence maintains its request to call Ms Meas Kimsieu to testify, as the mother of the Accused.

WITHOUT PREJUDICE

The Co-Lawyers	Phnom Penh	
Kar Savuth		
François Roux		
Name	Place	Signature