


ឯកសារដើម
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សាធារណៈ / Public



E172/1

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

MEMORANDUM – TRIAL CHAMBER

Date: 24 February 2012

TO: All parties, Case 002

FROM: Judge NIL Nonn, President, Trial Chamber



CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Further oral hearing on documents (commencing 12 March 2012)

1. As indicated in its memorandum E172 of 21 February 2012, the Trial Chamber, upon resuming on 12 March 2012, will allocate time for oral objections to all documents which the parties have sought to be put before the Chamber as relevant to the trial in Case 002/01 (E109/1.1, E109/2.1, E109/4, E109/6.2) and which have not to date been discussed in court. These oral hearings are intended as an alternative to the filing of written submissions.

2. For ease of reference, the Trial Chamber clarifies that these oral hearings will pertain to the following remaining categories of documents, comprising documents that are on the case file:

- All categories of documents proposed by the Co-Prosecutors not addressed during previous document hearings on 16-19 January and 16 February 2012, namely¹;
 - A6 – DK biographies: all documents E9/31.6 listed as relevant in E109/4.6 (41 documents);
 - A7 – DK commerce records: all documents in E9/31.7 listed as relevant in E109/4.7 (169 documents);
 - A8 – Tram Kak district records: all documents in E9/31.8 listed as relevant in E109/4.8 (57 documents);
 - A9 – S-21 prisoner records: all documents in E9/31.9 listed as relevant in E109/4.9 (297 documents);

¹ The documents listed by the Co-Prosecutors may comprise documents that are referenced in the footnotes of the Closing Order. The Chamber will hear the parties' objections in relation to all remaining documents listed in the footnotes of the Closing Order that were not listed by the Co-Prosecutors at a later stage. The Chamber will not hear objections in relation to documents listed in those annexes which have been previously ruled on by the Chamber and been put before it. Document categories A12 and A13 will be dealt with in a written decision pending before the Chamber and are consequently not scheduled for oral argument.

E172/1

- A10 – S-21 confessions: all documents in E9/31.10 listed as relevant in E109/4.10 (345 documents);
- A11 – CF1 trial transcripts: all documents in E9/31.11 listed as relevant in E109/4.11 (12 documents);
- A14 – Site identification reports: all documents in E9/31.14 listed as relevant in E109/4.14 (2 documents);
- A15 – Maps and photographs: all documents in E9/31.15 listed as relevant in E109/4.15 (461 documents);
- A16 – Audio and video: all documents in E9/31.16 listed as relevant in E109/4.16 (398 documents);
- A17 – International communication documents: all documents in E9/31.17 listed as relevant in E109/4.17 (158 documents);
- A18 – International media reports: all documents in E9/31.18 listed as relevant in E109/4.18 (372 documents);
- A19 – Academic articles, analytical reports and books: all documents in E9/31.19 listed as relevant in E109/4.19 (231 documents);
- A20 – Rogatory reports: all documents in E9/31.20 listed as relevant in E109/4.20 (112 documents).
- 23 documents proposed by the Lead Co-Lawyers (identified in E109/2.1, except all those mentioned in the “Inventory of all supporting documents from the Closing Order sections relevant for the first four segments of the trial,” as explained in page 3 of E109/2, which will be dealt with at a later stage) (D222/1.15 and D135.1 having already been put before the Chamber as E3/9 and E3/23, respectively);
 - the remaining document proposed by the IENG Sary Defence (identified in E109/6.2 as D222/1.17) (D313/1.2.2 having already been put before the Chamber as E3/88); and
 - 78 documents proposed by the KHIEU Samphan Defence (E109/1.1) (the following ten documents having already been put before the Chamber, namely D28-Annex (E3/21), 13.2 (E3/182), D201/8 (E3/43), D200/3 (E3/64), D200/9 (E3/67), D125/160 (E3/58), D167 (E3/42), D199/20 (E3/96), D166/166 (E3/35) and D91/9 (E3/104)).
3. All documents attached to the written record of interviews of witnesses or Civil Parties who have testified to date, and those witnesses, Civil Parties and experts identified in memorandum E172 for the next trial session, will be considered as put before the Chamber unless objected to by the parties.
4. The Chamber invites all parties to inform the Trial Chamber Senior Legal Officer, no later than Wednesday 29 February 2012, of the time sought to discuss each of the above-mentioned document categories. The Senior Legal Officer will also welcome suggestions regarding the format of this hearing considered by the parties as most likely to enhance its efficiency. A detailed scheduling order for this hearing will then be issued.
5. Further directions regarding discussion of all new documents listed by the parties shall follow in due course, following issuance of the Trial Chamber’s pending decision in this area. The parties shall also at a later date be invited to supplement their July 2011 document lists by identifying those documents from their April 2011 document lists which are instead relevant to the concluding segments of the trial in Case 002/01 (namely, population movements phase 1 and 2, in addition to any further areas which the Chamber may of its own motion indicate to fall within the scope of the trial in Case 002/01).