

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

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**REQUEST FOR AUTHORITY TO PROVIDE CASE FILE 002
DOCUMENTS TO EXPERT WITNESSES**

<u>Filed by:</u>	<u>Distributed to:</u>	<u>Copied to:</u>
Co-Prosecutors CHEA Leang Andrew CAYLEY	Trial Chamber Judge NIL Nonn, President Judge Silvia CARTWRIGHT Judge YA Sokhan Judge Jean-Marc LAVERGNE Judge YOU Ottara	Accused NUON Chea IENG Sary KHIEU Samphan
	Civil Party Lead Co-Lawyers PICH Ang Elisabeth SIMONNEAU FORT	Lawyers for the Defence SON Arun Michiel PESTMAN Victor KOPPE ANG Udom Michael G. KARNAVAS KONG Sam Onn Anta GUISSÉ Arthur VERCKEN Jacques VERGES

REQUEST

1. On 25 May 2012, the Trial Chamber issued an Order¹ inviting the parties to provide further particulars about the scope of their intended questioning of experts. Pursuant to that Order the Co-Prosecutors submitted a Memorandum to the Witness Support Section (WESU)², attaching letters to be sent to individual experts which provide lists of topics upon which the experts may be questioned during their testimony.
2. It is submitted that the experts will be able to give the best possible testimony if they are able to have access to, and to consider, select relevant material, including the confidential material contained within the Case 002 case file. The experts have, of course, in the past reviewed an extremely large volume of documentation in researching the books they have written. However, many of these books were written some years ago and we anticipate that the experts will benefit from having the opportunity to review select Case 002 material, in order to re-assess and refine any statements made in their books.
3. Consequently, the Co-Prosecutors request that the Trial Chamber grants authorization to the Co-Prosecutors for release, to the experts, select confidential documentation contained in Case File 002 if the Co-Prosecutors deem it necessary. Such documentation may include documents of the following types : CPK publications and directives (including Revolutionary Flags) ; Minutes of meetings of the Central Committee and Standing Committee; DK Communication documents; DK Media and public statements; DK Biographies; DK commercial records; Tram Kak District records; S-21 prisoner records; S-21 confessions and transcripts of evidence amongst other types.
4. In the event that the Trial Chamber authorizes the release of documentation to the experts the Co-Prosecutors undertake :
 - 1) to keep a record of all documentation provided to the experts;
 - 2) to ensure that appropriate assurances are provided with regard to confidentiality;
and
 - 3) to ensure that material is returned and not copied or retained by the experts.


¹ E172/24, Trial Chamber Order entitled Updated information regarding scheduling of proposed experts, 25 May 2012

² Interoffice Memorandum entitled Further Information to be provide to experts David Chandler, Philip Short, Elizabeth Becker and Henri Locard, 4 June 2012

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5. In light of the testimony of the first expert being scheduled on 16th July 2012 the Co-Prosecutors respectfully request that a decision be made on this request as soon as possible to allow the maximum time for this expert to review select material if necessary

Respectfully submitted

Date	Name	Place	Signature
13 June 2012	CHEA Leang Co-Prosecutor	Phnom Penh	
	William SMITH Deputy Co-Prosecutor		