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

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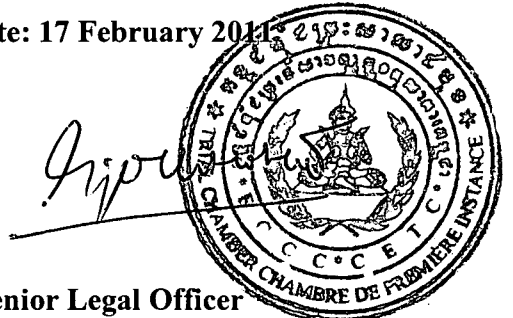
TRIAL CHAMBER

សាធារណៈ / Public

TO: All parties, Case 002

Date: 17 February 2012

FROM: NIL Nonn, President, Trial Chamber



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

SUBJECT: Next group of witnesses, Civil Parties and Experts to be heard in Case 002/01

The Chamber will shortly move to the next trial segment, namely administrative and communications structures, and some elements of the role of the Accused (Closing Order paragraphs 33-112, 869-872, 880-892, 1001-10015, 1131-1144 and 1147-1150).

Following the reading out in court of these portions of the Closing Order, the Chamber will commence by discussion, pursuant to Internal Rule 87(3), of all remaining documents proposed to be put before the Chamber by the parties which have not been discussed to date. A more detailed schedule for this hearing and time allocations for all parties will be provided shortly. This hearing will therefore conclude discussion of all documents proposed to be put before the Chamber by all parties in Case 002/01.

At the conclusion of this document hearing, the Chamber will then question the Accused, before proceeding to the witnesses, Civil Parties and experts listed below. Over the course of the next trial segment, the Chamber will usually question the Accused during morning sessions, and in the afternoons, witnesses, Civil Parties or Experts, except where effective trial management requires otherwise.

Administrative and communication structures and some elements of the roles of the Accused (Closing Order paras 33-112, 869-872, 880-892, 1001-10015, 1131-1144 and 1147-1150 (E124/7.2))

KAING Guek Eav, *alias Duch*

- **Communication structures** (Closing Order paragraphs 72-112, 1148-1150):

TCW-480
 TCW-780
 TCW-695
 TCW-307
 TCW-679
 TCW-645
 TCW-398

- **Administrative structures (Centre), including Ministries** (Closing Order paragraphs 33-63, 869-872, 880-892, 1001-1015, 1131-1144, 1147):

- *Administrative structures (Centre)*

TCW-620
 TCW-617
 TCW-638
 TCW-504
 TCW-354 *
 TCW-488

- *Ministries*

- *Office B-1 (Ministry of Foreign Affairs)*

TCW-694
 TCW-586
 TCW-724
 TCW-323
 TCW-796
 TCW-487
 TCW-564
 TCCP-178

- *Office B-1 (Boeng Trabek)*

TCW-490
 TCW-707
 TCW-794
 TCW-234
 TCCP-94 (unrelated to Boeng Trabek)

- *Ministry of Commerce*

TCW-583
 TCW-321

- *Ministry of Propaganda, Political education by the Accused*

* Denotes witnesses or Experts additional to those listed in Confidential Annex E131/1.1.

TCW-475
TCW-609
TCW-320
TCW-338
TCW-91
TCCP-186
TCCP-28

- **Administrative structures (National)** (Closing Order paragraphs 64-71)

TCW-604
TCCP-142
TCW-797

In addition to the witnesses and Civil Parties listed above, the Chamber will hear (on dates to be announced in due course) the following witness and experts relevant to trial segments 1 and 2 once the Chamber is in receipt of further information regarding their availability:

TCW-482
TCE-11
TCE-65 *
TCE-41
TCE-44
TCE-38

Concerning TCW-482, the Chamber is currently considering a number of practical and legal issues in relation to the summons.

The remainder of the witnesses and Experts, described in E131/1.1 as relevant to the early trial segments in Case 002/01 and listed immediately below, will be heard in an order to be communicated at a later date:

TCW-110
TCW-326
TCW-126
TCW-389
TCW-425
TCW-428
TCE-80
TCW-536
TCW- 548

Further information regarding witnesses, Experts or Civil Parties to be called in relation to later trial segments in Case 002/01 will also follow in due course, as will information regarding future hearings regarding the remainder of documents indicated by the parties as relevant to Case 002/01.

* Denotes witnesses or Experts additional to those listed in Confidential Annex E131/1.1.

The Chamber is also in receipt of the Co-Prosecutor's request to include additional crime sites within the scope of trial in Case 002/01 (E163) and the responses of the IENG Sary and KHIEU Samphan Defence (E163/1 and E163/4, respectively). As the Chamber has previously indicated in the Severance Order and in other related decisions, it may on its own motion decide in due course to extend the scope of trial in Case 002/01, in the exercise of its trial management discretion. Should this occur, the parties will be informed in a timely manner. This constitutes the Chamber's official response to Motion E163. It follows that the Co-Prosecutor's leave to reply (E163/2) is also in consequence rejected.

The Chamber provides notification to the parties that the below witnesses and Expert listed in E131/1.1 relate most specifically to the role of the Accused IENG Thirith. The Chamber has therefore deferred their hearing until further notice:

TCE-27
TCW-325
TCW-778
TCW-90
TCW-600
TCW-18

Pursuant to its memorandum E144/1, the Chamber has recently received information from the Witness and Expert Support Unit (WESU) that TCW-297 is deceased, whereas TCW-601 is medically unfit to testify. Further information will be provided to the parties shortly, via placement of these WESU reports on the confidential portion of the case file.

The Chamber notes the recent NUON Chea Defence filing of a List Additional Witnesses Regarding Historical Context (E155/1.1) in which they sought to have heard before the Chamber 47 additional witnesses in connection with the historical background trial segment. These witnesses were considered by the Chamber in formulating its provisional witness list E131/1.1, and the NUON Chea Defence filing of 31 January 2012 fails to demonstrate why any of these 47 witnesses should be heard immediately. The Chamber therefore declines to hear any of these proposed witnesses at this juncture. It further advises the parties that all proposed witnesses, Experts and Civil Parties contained on the parties' proposed lists (comprising a total of 1054 individuals) remain under consideration by the Chamber unless and until they are either called before the Chamber or rejected, as the case may be. Filing E131/1.1 provided initial guidance to the parties of those individuals likely to be heard before the Chamber. The Chamber envisages rendering its first decision identifying some witnesses, Civil Parties or Experts rejected by it shortly.

The Chamber will shortly request the parties to provide its Senior Legal Officer with an estimation of the time needed to question KAING Guek Eav *alias Duch* by Monday 12 March 2012, and for all above-mentioned remaining witnesses likely to be heard by Monday 26 March 2012.