E215

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 002/19-09-2007/ECCC/TC

Before: **Judge NIL Nonn, President**
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Date: **05 July 2012**
Original language(s): **Khmer/English/French**
Classification: **PUBLIC**

DECISION ON ASSIGNMENT OF EXPERTS

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Accused
NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Jacques VERGÈS
Arthur VERCKEN
Anta GUISSÉ

1. INTRODUCTION

1. This decision, issued pursuant to Internal Rule 31(3), concerns the status and assignment of a number of proposed experts to be heard in Case 002/1.

2. PROCEDURAL HISTORY

2. Pursuant to Internal Rule 31 and the Trial Chamber's Order, the Co-Prosecutors, Defence and Civil Party Lead Co-Lawyers sought to hear a number of experts in Case 002/01.[1] The Defence teams objected to the Co-Prosecutors' or Civil Parties' proposed experts.[2] On 25 October 2011 and 17 February 2012, the Chamber informed the parties of its intention to hear a number of these individuals in Case 002/01, including proposed experts David CHANDLER (TCE-11), Anne GUILLOU (TCE-27), Benedict KIERNAN (TCE-38), Henri LOCARD (TCE-41), EA Meng-Try (TCE-44), Philip SHORT (TCE-65) and Elizabeth BECKER (TCE-80).[3] In order to facilitate planning and as all these individuals live abroad, the Chamber has since announced the dates upon which many of them will be heard.[4]

3. On 17 February 2012, the Chamber deferred indefinitely the testimony of Anne GUILLOU, which pertains exclusively to the role of the Accused IENG Thirith,

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[1] Order to File Material in Preparation for the Trial, 17 January 2011, E9; "Co-Prosecutors' rule 80 expert, witness and Civil Party lists, including confidential annexes 1, 2, 3, 3a, 4, and 5", 28 January 2011, E9/4 and "Annex 2: OCP Expert list", E9/4.2; "Civil Party lead Co-Lawyers' rule 80 witness, expert and Civil Party lists, including confidential annexes 1, 2a, 2b, 3a, 3b, and 4", 15 February 2011, E9/4/3 and "Annex 4: Proposed list experts – Civil Party lead Co-Lawyers", E9/4/3.6; "List of Proposed Witnesses, Experts and Civil Parties, 15 February 2011, E9/4/4 (NUON Chea), and "Annex A: Proposed witness list – NUON Chea Defence Team", E9/4/4.4, and "Annex B: Proposed list of experts – NUON Chea Defence Team", E9/4/4.2; "IENG Thirith list of witnesses and expert", 15 February 2011, E9/4/5; and "Proposed list of witnesses and experts", 21 February 2011, E9/4/6 (KHIEU Samphan) and "Annex 2: Proposed list of experts – KHIEU Samphan", E9/4/6.1; "Annex: Proposed List of experts – IENG Sary", 14 February 2011, E9/4/2.2.

[2] "Initial Objection to the OCP proposed experts and request for leave to file supplementary submissions within 30 days", 24 February 2011, E9/4/9 (IENG Sary) (objecting to the hearing of a number of experts including Elizabeth BECKER, David CHANDLER, Anne GUILLOU, Ben KIERNAN, Henri LOCARD, EA Meng-Try and Philip SHORT); "Initial objection to the Civil Party proposed experts and request for leave to file supplementary submissions within 30 days", 24 February 2011, E9/4/3/1 (IENG Sary); "Objection to calling certain experts", 28 February 2011, E9/4/10 (KHIEU Samphan) and "Indication of intention to object to witnesses and experts on the Co-Prosecutors, Civil Parties and NUON Chea's witness lists", 28 February 2011, E9/4/11 (IENG Thirith). As the testimony of proposed expert Ewa TABEAU is not considered relevant to the trial in Case 002/01, decision on IENG Sary's objections in relation to this individual (E9/4/8) is accordingly deferred to a later date.

[3] "Confidential Annex A: Partial List of Witnesses, Experts and Civil Parties for First Trial in Case 002", 25 October 2011, E131/1.1; "Next group of witnesses, Civil Parties and experts to be heard in Case 002/1", 17 February 2012, E172 (adding Philip SHORT (TCE-65) to the list and deferring the hearing of Anne GUILLOU (TCE-27)). The *Curricula Vitae* of David CHANDLER, Henri LOCARD, Philip SHORT and Elizabeth BECKER were obtained by the Witness and Expert Support Unit and subsequently distributed to the parties.

[4] "Updated information regarding scheduling of proposed experts", 25 May 2012, E172/24.

following the latter's severance from the trial.[5] On 27 February 2012, the Co-Prosecutors indicated that they saw no effective and timely way to compel EA Meng-Try to testify.[6] In the absence of any other request to pursue efforts to hear this individual, the Chamber decided not to hear him in Case 002/1. On 13 June 2012, following extensive efforts to obtain the testimony of Benedict KIERNAN, the Trial Chamber indicated that in view of his non-cooperation and the absence of practical modalities to compel attendance of a reluctant expert, the Chamber would not further seek to hear his evidence in Case 002/1.[7] Finally, and following a subsequent review of all proposed witnesses and experts in the interests of ensuring an expeditious trial, the Trial Chamber has since decided to defer the hearing of proposed expert Henri LOCARD, given the limited relevance of his testimony to Case 002/1.[8]

4. The present decision rules on objections to the proposed testimony of the remaining individuals, or to their qualification as experts pursuant to Internal Rule 31. As these individuals were proposed prior to the severance of Case 002 into a number of trials and to avoid their unnecessary recall, the Chamber had previously determined that they may be questioned on all matters within their knowledge or expertise relevant to the entirety of the Closing Order in Case 002.[9] In view of the Chamber's wish to ensure an expeditious trial, and as previous dispensation to question beyond the scope of Case 002/01 has frequently resulted in lengthy examination, the parties are reminded that the principal focus of their examination should remain on the subject-matter of Case 002/01. Questioning on matters beyond this scope should be limited to areas which the parties consider these individuals to be uniquely qualified to answer.[10] The Chamber also delegates to the Co-Prosecutors responsibility for leading their in-court questioning pursuant to Internal Rules 91 and 91*bis*.

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[5] Decision on IENG Thirith's Fitness to Stand Trial, 17 November 2011, E138; Trial Chamber President's Memorandum entitled "Next group of witnesses, Civil Parties and experts to be heard in Case 002/1", 17 February 2012, E172, p.4 ("TCE-27").

[6] "Notice to the Trial Chamber and Parties regarding testimony of TCE-38 and TCE-44", 27 February 2012, E166/1, para. 8.

[7] "Proposed testimony of Benedict KIERNAN before the Trial Chamber", 13 June 2012, E166/1/4.

[8] "Updated information regarding scheduling of proposed experts", 25 May 2012, E172/24.

[9] Severance Order pursuant to Internal Rule 89ter, 22 September 2011, E124; "Annex: List of paragraphs and portions of the Closing Order relevant to Trial One in Case 002, amended further to the Trial Chamber's Decision on IENG Thirith's Fitness to Stand Trial", filed on 30 November 2011, E124/7.2.

[10] Notification of this will be provided to the experts, *via* the Witness and Expert Support Unit, in due course.

3. SUBMISSIONS

5. The Co-Prosecutors indicate that David CHANDLER is an Emeritus Professor at Monash University, and holds degrees from Harvard, Yale and Michigan Universities. He is one of the leading historians of Cambodia, and an expert on S-21, having conducted extensive analyses of the prison's records. He was a United States Foreign Service Officer from 1958 to 1966 and worked in Phnom Penh from 1960 to 1962. He is fluent in Khmer, and has authored, either individually or collaboratively, a number of books, academic papers and other manuscripts concerning the history of Cambodia and the Khmer Rouge, including *Voices from S-21* (2000) (D108/50/1.4.6), *Brother Number One* (1992) (E3/17), *The Tragedy of Cambodian History* (1991) (D108/50/1.75) and *A History of Cambodia* (1983) (D366/7.1.69). He has also jointly edited *Pol Pot Plans for the Future* (E3/8). He appeared as an expert witness before the Trial Chamber in Case 001.[11] The Co-Prosecutors propose to examine him on the origin, development and evolution of Communist Party of Kampuchea ("CPK") policies, with a specific focus on the policy of identification and destruction of enemies; the role of senior CPK leadership in developing those policies; the operation of S-21 Security Centre; the authority structure above S-21 and the relationship between S-21 and senior leadership of the CPK (including NUON Chea) and the legal and factual authority of the Accused.[12]

6. The NUON Chea Defence agrees that David CHANDLER is a leading expert on Cambodia but alleges that he has denied the existence of a strong link between the crimes committed during the Khmer Rouge regime and the Khmer Rouge leadership and that he can therefore offer insight into alternative command structures in the Khmer Rouge.[13]

7. The IENG Sary Defence objects to the calling of Professor CHANDLER as an expert, on grounds that his work is unreliable because of an inaccuracy in an earlier book, and that his

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[11] "Annex 1: Witness, Civil Party and expert summaries with points of the indictment – OCP", 23 February 2011, E9/13.1 ("Annex 1"), p. 79.
[12] Annex 1, p. 79
[13] "Summaries of Proposed Witnesses, Experts and Civil Parties", 23 February 2011, E9/10 (NUON Chea) and "Annex D: Witness Summaries with Points of the Indictment", E9/10.1, p. 8; "Updated Summaries of Proposed Witnesses, Experts and Civil Parties", 21 June 2011, E93/4, and "Primary List/Witness Summaries – Nuon Chea Defence Team", E93/4.3, p.22.

prior involvement with the Documentation Center of Cambodia ("DC-Cam") renders him insufficiently independent and impartial to testify as an expert.[14]

8. The Co-Prosecutors indicate that Philip SHORT studied at Cambridge University, and from 1967 to 1973 worked as a freelance journalist in Africa. He was then employed by the British Broadcasting Corporation ("BBC"), where he served as a foreign correspondent for 25 years. In 1997, he completed his final posting as BBC's Washington correspondent and then taught comparative politics at the University of Iowa. He is currently an independent author, having written, amongst other works, *Pol Pot: The History of a Nightmare* (2004) (E3/9), *Mao: A Life* (2000) and *The Dragon and The Bear: Inside China and Russia Today* (1982). In researching his book on POL Pot and Democratic Kampuchea ("DK"), he conducted extensive interviews with senior leaders of the CPK, including KHIEU Samphan, IENG Sary and SON Sen, as well as several senior cadres who were interviewed by the Office of the Co-Investigating Judges ("OCIJ"). The Accused KHIEU Samphan has commented extensively on this book, including Philip SHORT's analysis of the CPK purges in *Considerations on the History of Cambodia* (E3/16). Philip SHORT also encountered POL Pot in 1977, during the latter's visit to Beijing.[15]

9. The Co-Prosecutors propose to hear Philip SHORT on the pre-1975 history of the CPK; development of CPK policy including the use of violence against enemies, forced evacuations of urban centres, collectivisation, use of forced labour and suppression of religion; the authority structure and functioning of the CPK, DK and Revolutionary Army of Kampuchea during the DK period; and the legal and factual authority of the Accused. [16] The NUON Chea Defence concur that in light of his expertise on the subject, Philip SHORT can offer general testimony regarding the CPK and the state of affairs in the DK.[17]

10. The Co-Prosecutors indicate that Elizabeth BECKER is an author and journalist, who covered international affairs as a correspondent for *The New York Times* and *The Washington*

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[14] "Initial Objection to the OCP proposed experts and Request for leave to file supplementary submissions within 30 days", 24 February 2011, E9/4/9 (IENG Sary), paras 1-14 and 20-22 (arguing that David CHANDLER is an associate advisor to DC-Cam, which works to support a predetermined conclusion that genocide occurred in Cambodia rather than to ascertain the truth about the events in 1975-79).

[15] Annex 1, p. 20.

[16] Annex 1, pp. 20-21.

[17] "Summaries of Proposed Witnesses, Experts and Civil Parties", 23 February 2011, E9/10 and "Annex D: Witness Summaries with Points of the Indictment", E9/10.1 (NUON Chea), p. 48; "Updated Summaries of Proposed Witnesses, Experts and Civil Parties", 21 June 2011, E93/4, and "Primary List/Witness Summaries – Nuon Chea Defence Team", E93/4.3, p. 120.

Post, and as the Senior Foreign Editor at National Public Radio (United States of America). She began her career as a war correspondent in 1972, reporting on the Cambodian conflict, and then covered events in Cambodia and Southeast Asia for many years. While based in Paris between 1986 and 1990, she covered refugee and human rights issues, and the peace negotiations that culminated in the Paris Peace Accords of 1991. She holds a degree in South Asian Studies from the University of Washington and was an adjunct professor at Georgetown University. She is a regular lecturer on a number of areas including Asia, international economics and development, and has testified before the United States Congress, the French National Assembly and the United Nations. She is a member of the Council on Foreign Relations, an American non-profit nonpartisan membership organisation and has received two duPont-Columbia Awards for reporting of South Africa's first democratic elections and the Rwandan genocide. She is the author of *When the War Was Over: Cambodia and the Khmer Rouge Revolution* (1986), which remains one of the best overall accounts of the DK regime (E3/20), *America's Vietnam War: A Narrative History* (1992) and *Bophana* (2010), the story of an S-21 victim. In late 1978, Elizabeth BECKER was one of three Western journalists invited to visit DK. During this visit, she toured Phnom Penh and the countryside and was granted a rare interview with POL Pot (D365/1.1.69). Ms. BECKER's notes from this visit are on the Case File (D366/7.1.407, E3/1171). During the course of her research, she also interviewed both IENG Sary and IENG Thirith (E3/659).

11. The Co-Prosecutors propose to question Elizabeth BECKER on the history of the CPK and its relationship with its Vietnamese counterpart; the DK regime; the authority structures within and functioning of the CPK Party Centre and regional CPK bodies; ideology and policies of the CPK; use of forced collectivisation, forced labour and security centres during the DK regime; persecution of minorities; and the legal and factual authority of the Accused within the DK and CPK. She will also be questioned on the pre-1975 conditions in the Khmer Republic, events she witnessed and sites she visited during her visit to Cambodia. The Co-Prosecutors also propose to request her to authenticate the records and notes of her interviews with POL Pot (D365/1.1.69, D366/7.1.407, E3/1171) and with IENG Sary (E3/659).

12. The IENG Sary Defence objects to the calling of Philip SHORT and Elizabeth BECKER as experts, on grounds that as journalists, they lack specialist knowledge, experience or skills which could assist the Trial Chamber in its understanding or determination of issues in

dispute. They submit that these individuals should more appropriately be considered as witnesses of fact, if at all.[18]

13. The NUON Chea Defence also requests the Chamber to hear Elizabeth BECKER instead as a fact witness. As she was stationed in the Khmer Republic as a correspondent for the Washington Post, and expelled from the Democratic Kampuchea along with the other foreigners in April 1975, they submit that she can, however, offer insight into pre-1975 conditions in the Khmer Republic. As one of only two American journalists briefly allowed into Democratic Kampuchea in 1978, she can further offer insight into the state of affairs in Democratic Kampuchea in 1978.[19]

4. FINDINGS

4.1. Applicable law

14. Pursuant to Internal Rule 31(1) and (3), the Chamber may seek expert opinion on "any subject deemed necessary to [...] proceedings before the ECCC" and shall set out in the accompanying order the exact assignment of the expert. Pursuant to Rule 80*bis* (2), "[w]here the Chamber considers that the hearing of a proposed [...] expert would not be conducive to the good administration of justice, it shall reject the request that such person be summoned."

15. Other hybrid and international tribunals have considered as experts individuals possessing relevant skill or specialised knowledge acquired through education, experience or training in the proposed field of expertise.[20] The mere fact that an expert witness has a

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[18] "Initial Objection to the OCP proposed experts and Request for leave to file supplementary submissions within 30 days", 24 February 2011, E9/4/9 (IENG Sary), paras 15-16, 33 (arguing that Elizabeth BECKER and Philip SHORT, who are both journalists, do not appear to have a relevant academic degree. They have both only published one relevant book and do not speak Khmer. Elizabeth BECKER's personal experience with the events in Cambodia for the relevant period would, however, allow her to assist the Chamber as a fact witness).

[19] "Summaries of Proposed Witnesses, Experts and Civil Parties (NUON Chea)", 23 February 2011, E9/10 and "Annex D: Witness Summaries with Points of the Indictment", E9/10.1, p.4; "Updated Summaries of Proposed Witnesses, Experts and Civil Parties", 21 June 2011, E93/4, and "Primary List/Witness Summaries – NUON Chea Defence Team", E93/4.3, p. 10.

[20] *Gacumbitsi v. The Prosecutor*, Appeal Judgment, Appeals Chamber (ICTR-2011-64-A), 7 July 2006, para. 31; *Prosecutor v. Milan Martić*, Decision on the Defense's submission of the Expert Report of Pr Smilja Avramov pursuant to Rule 94bis, Trial Chamber (IT-95-11-T), 9 November 2006, para. 7; *Nahimana v. Prosecutor*, Appeal Judgment, Appeals Chamber (ICTR-99-52-A), 28 November 2007, paras 197-199; *Prosecutor v. Pavle Strugar*, Decision on the Defense Motion to Oppose Admission of Prosecution Expert Reports pursuant to Rule 94bis, Trial Chamber (IT-01-42-PT), 1 April 2004, p. 4; *Prosecutor v. Stanislav Galić*, Decision Concerning the Expert Witnesses Ewa Tabeau and Richard Philipps, Trial Chamber (IT-98-29-T), 3 July 2002; *see also Prosecutor v. Taylor*, Decision on Defence application to exclude evidence of proposed prosecution expert witness Corinne Dufka or in the alternative, to limit its scope and on urgent prosecution

previous association with an external organization does not disqualify him or her from being called as an expert.[21] Under the ECCC legal framework, all experts are appointed by the Chamber to ensure independence. Experts are obliged to testify with the utmost neutrality and objectivity, and challenges regarding bias of a witness called as an expert are a matter related to the evaluation of the evidence given by him and not its admissibility.[22] In determining whether an individual possesses sufficient credentials to be called as an expert, a Chamber may have recourse to the individual's *curriculum vitae,* articles, publications or other information relating to him or her relevant to the subject on which expertise is required, including the proposed expert's former and present positions.[23]

16. According to the international jurisprudence, the role of expert witnesses is to enlighten the Chamber on specific issues of a technical nature, requiring special knowledge in a specific field.[24] They provide clarification, context, or additional assistance for the purpose of a Chamber's assessment of evidence, but do not testify on disputed facts as would fact witnesses.[25] Expert witnesses may not express opinions on ultimate issues of fact, as only the Chamber is competent to make a judicial determination on the issues in the case.[26] Fact

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request for decision, Trial Chamber (SCSL-03-1-T), 19 June 2008, para. 12 (finding that the expert must possess "relevant specialized knowledge acquired through education, experience or training in the proposed field of expertise to qualify as expert"); OCIJ's "Order on request for Additional expert", 18 August 2009, D140/3, para. 14; *Prosecutor v. Akayesu*, Decision on a Defence Motion for the Appearance of an Accused as an Expert Witness, Trial Chamber (ICTR-96-4-T), 9 March 1998.

[21] Decision on Objections to Documents Proposed to be Put before the Chamber on the Co-Prosecutors' Annexes A1-A5 and to Documents cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01, E185, 9 April 2012, para. 28 (determining that the methodology used by DC-Cam – an independent non-profit organization dedicated to the documentation of Khmer Rouge-era crimes – in obtaining, archiving and preserving contemporaneous DK-era documentation to be reliable.)

[22] *Prosecutor v. Vojislav Šešelj*, Decision on expert status of Reynaud Theunens, Trial Chamber (IT-03-67-T), 12 February 2008 ("Decision on expert status of Reynaud Theunens"), paras 28-29; *Prosecutor v. Nahimana, Barayagwiza and Ngeze*, Judgement, Appeals Chamber (ICTR-99-52-A), 28 November 2007 ("*Nahimana, Barayagwiza and Ngeze* Appeal Judgement"), para. 199; *Prosecutor v. Brdanin*, Decision on the prosecution's submission of statement of Expert witness Ewan Brown, Trial Chamber (IT-99-36-T), 3 June 2003, p. 5.

[23] "Decision on expert status of Reynaud Theunens", para. 28; *Prosecutor v. Dragomir Milošević*, Decision on defence expert witnesses, Trial Chamber (IT-98-29/1-T), 21 August 2007, para. 6.

[24] *Prosecutor v. Karemera*, Decision on Joseph Nzirorera's motion to limit the scope of testimony of expert witnesses Alison des Forges and André Guichaoua, Trial Chamber (ICTR-98-44-T), 21 August 2007, para. 3.

[25] *Nahimana, Barayagwiza and Ngeze* Appeal Judgement, para. 509; *Prosecutor v. Stanišić and Župljanin*, Written Reasons for the Trial Chamber's Oral Decision Accepting Dorothea Hanson as an Expert Witness, Trial Chamber (IT-08-91-T), 5 November 2009; *Prosecutor v. Semanza*, Judgement, Appeals Chamber (ICTR-97-20-T), 20 May 2005, para. 304; *Prosecutor v. Akayesu*, Judgment, Trial Chamber (ICTR-96-4-T), 2 September 1998, para. 146; *see also Prosecutor v. Zigiranyirazo*, Judgement, Trial Chamber (ICTR-01-73-T), 18 December 2008, paras 120, 148 (noting that expert witnesses cannot testify on the acts and conduct of the accused unless they also testify a as fact witnesses).

[26] *Prosecutor v. Sagahutu*, Decision on the Prosecutor's objections to expert witnesses Lugan and Strizek, Trial Chamber (ICTR-00-56-T), 23 October 2008, para. 13; *Prosecutor v. Bizimungu*, Trial Chamber (ICTR-99-50-T), 8 July 2005, para. 12.

witnesses, on the other hand, testify about the crimes with which an Accused charged,[27] but may express opinions only in so far as they emanate from personal experience. Their testimony is limited to what they personally saw, heard or experienced.[28]

4.2. Disposition

17. The Chamber is satisfied that Professor David CHANDLER is qualified as an expert on the basis of his specialist training and knowledge acquired through extensive research and experience in the proposed field of expertise. He has authored a number of books relating to the Democratic Kampuchea period and S-21 and was called as an expert by this Chamber in Case 001. Unlike that case, where Professor CHANDLER testified at length regarding the day-to-day operations of S-21, his testimony in Case 002/01 is instead sought principally for an analysis of the policies that established S-21 and the broad purpose and function of security centres (and S-21 in particular) in Democratic Kampuchea.[29] The Chamber will consider any specific and reasoned challenges to his testimony arising from his connection with DC-Cam when evaluating his evidence.

18. Although considering Philip SHORT and Elizabeth BECKER, by virtue of their research and publication of books on the relevant period, to possess specialised knowledge in the proposed field of expertise, the Chamber notes that they are principally sought by the parties due to their personal knowledge of facts relevant to the Democratic Kampuchea period, either through their presence in Cambodia during the relevant period covered by Case 002/01 or through their interviews with leaders or cadres of the Democratic Kampuchea period, including the Accused IENG Sary and KHIEU Samphan. They are therefore called as experts although they may also be questioned on facts within their personal knowledge relevant to Case 002/1.

FOR THE FOREGOING REASONS, THE TRIAL CHAMBER:

ORDERS the appointment of David CHANDLER, Philip SHORT and Elizabeth BECKER as experts in accordance with the assignments as set out in this Decision;

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[27] *Prosecutor v. Bizimungu*, Decision on the Admissibility of the Expert Testimony of Dr. Binaifer Nowrojee, Trial Chamber (ICTR-99-50-T), 8 July 2005, para. 13.
[28] *Prosecutor v. Ngirumpatse*, Decision on 'Requête de la défense de M. Ngirumpatse en retrait de la déposition du témoin GFJ et des pièces afférentes,' Trial Chamber (ICTR-98-44-T), 6 August 2008, paras 3 and 4.
[29] *Curriculum Vitae* of David Chandler, E215.1.

DETERMINES that these individuals may be questioned on all matters within their knowledge or expertise relevant to Case 002/01; and

DELEGATES to the Co-Prosecutors responsibility for leading their in-court questioning pursuant to Internal Rules 91 and 91*bis*.

Phnom Penh, 05 July 2012
President of the Trial Chamber

Nil Nonn