



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ  
Case File/Dossier No. 001/18-07-2007/ECCC/TC

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

**Date:** 23 March 2009

**Type of Document:** CONFIDENTIAL

**ឯកសារដើម**  
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**DIRECTION CONCERNING LISTS OF WITNESSES AND EXPERTS OF CIVIL PARTY GROUPS 1 AND 3**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT

**Accused**

KAING Guek Eav alias "DUCH"

**Lawyers for the Civil Parties**

KONG Pisey	TY Srinna
HONG Kim Suon	Pierre Olivier SUR
YUNG Panith	Alain WERNER
KIM Mengkhy	Brianne McGONIGLE
MOCH Sovannary	Annie DELAHAIE
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Philippe CANONNE	

**Lawyers for the Defence**

KAR Savuth  
François ROUX



**THE TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”),  
**BEING SEISED** of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch,” rendered orally by the Pre-Trial Chamber on 5 December 2008, and filed in Khmer on 9 December 2008 (“Decision”);

**PURSUANT** to Rule 80(2) and 80 *bis* of the Internal Rules;

**HAVING RECEIVED** the Witness and Document List filed by Civil Party Group 1 on 16 February 2009<sup>1</sup>, its Additional Witness List filed on 18 March 2009<sup>2</sup>, the Provisional List of Witnesses and New Documents filed by Civil Party Group 3 on 13 February 2009, their Additional Witness List and New Document filed on 2 March 2009, and their respective corrigenda, filed on 3 March 2009<sup>3</sup>;

**MINDFUL** of the observations made by the parties during the Initial Hearing with respect to some of the witnesses on these Lists;

**NOTING**, in relation to proposed witnesses Paul Amar and François Devinat on the additional List filed by Civil Party Group 3, that the Trial Chamber during the Initial Hearing denied requests to hear these witnesses and that no new element warrants reconsideration of this decision<sup>4</sup>;

**RECALLING** the Defence’s request during the Initial Hearing to call Robert Badinter to address the role of Civil Parties<sup>5</sup>;

**FURTHER NOTING** that in order for the Trial Chamber to consider the remaining witnesses and experts proposed by Civil Party Groups 1 and 3, the Trial Chamber requires clarifications from Group 3 and the Defence on specific issues;

**RECALLING** that the Trial Chamber, during the Initial Hearing of 17 and 18 February 2009, indicated that it would grant the other parties an opportunity to comment in writing on any additional witness lists not considered at the Initial Hearing;

**HEREBY:**

**DIRECTS** Civil Party Group 3 to provide the Chamber with the following additional information and evidence in relation to this Group’s Witness Lists:

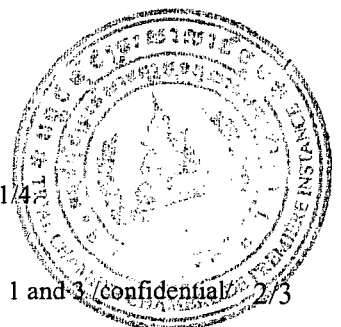
<sup>1</sup> Document E5/12

<sup>2</sup> Document E5/12/1

<sup>3</sup> Document E5/7/1/Corr-1 and Document E5/13/Corr-1

<sup>4</sup> Document E5/13/Corr-1 ((CP3/1 and CP3/2), Written Record of Proceedings, Document E1/4.1

<sup>5</sup> Transcript of Proceedings, 18 February 2009, Document E1/4.1, page 7, lines 9 to 12.



- With respect to EMM So on Witness List E5/7/1/Corr-1, whether this person was a direct witness of the facts to which she intends to testify (namely arrest, detention and transfer of TENG Sun or MEAS Sun to S-21), and evidence that the photograph referred to as 4. in Annex B (List of New Documents), filed by Civil Party Group 3, is a photograph of TENG Sun or MEAS Sun;
- With respect to HEAR Khen on Witness List E5/13/Corr-1, evidence that CHIN Met (Civil Party E2/80), whose arrest this witness intends to testify about was detained at S-21;
- With respect to Ho Van Tay and Dinh Phong on Witness List E5/13/Corr-1, clarification whether the witnesses possess knowledge of the film that the Co-Prosecutors seek to introduce which allegedly shows conditions at S-21 shortly after 7 January 1979;
- Further particulars of why these witnesses require testimony via video-link, and what technical facilities for video link are available in Ho Chi Minh City;

**DIRECTS** the Defence, with respect to the List filed by Civil Party Group 1, to indicate whether its request during the Initial Hearing to call Robert Badinter to address the role of Civil Parties was subsidiary to a decision by the Chamber to call Christopher STAKER, or whether its request is independent of such decision;

**DIRECTS** Civil Party Group 3 and the Defence to file any responses to this Direction within 7 days of its notification.

**DIRECTS** those parties who wish to file observations on the Witness Lists filed by Civil Party Groups 1 and 3 to do so within 7 days of notification of this Direction; *NWR*

Phnom Penh, 23 March 2009

President of the Trial Chamber



*[Signature]*  
**Nil Nonn**