



**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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ

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

ឯកសារដើម	
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du dossier:	
..... S. ANN. P. ANN	

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

Date: 17 January 2011
Original language(s): Khmer/English/French
Classification: PUBLIC

ORDER TO FILE MATERIAL IN PREPARATION FOR TRIAL

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Accused
NUON Chea
IENG Sary
IENG Thirith
KHIEU Samphan

Civil Party Lead Co-Lawyers
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Elisabeth SIMONNEAU FORT

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
PHAT PouV Seang
Diana ELLIS
SA Sovan
Jaques VERGÈS
Philippe GRÉCIANO



THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia;

BEING SEISED of Case File No. 002/19-09-2007-ECCC pursuant to the Decisions on Appeal Against the Closing Order by Ieng Sary, Ieng Thirith, Nuon Chea and Khieu Samphan,¹ rendered by the Pre-Trial Chamber on 13 January 2011;

PURSUANT to Rules 23, 24, 29, 31, 79, 80, 80*bis*, 84, 85, 87, 89, 91*bis* of the Internal Rules (“Rules”);

HEREBY

ORDERS the Parties to file the following:

I. List of proposed witnesses, experts and Civil Parties who do not seek protective measures

1. For those witnesses and experts who have already been considered by the Co-Investigating Judges, including Civil Parties who have been declared admissible by the Co-Investigating Judges or who, although being proposed to be heard in court for the first time **do not seek any protective measures**:

- i) A list of proposed witnesses
- ii) A list of Civil Parties who it is proposed should be heard at trial, subdivided into those who are to be heard on the facts and/or those who are to be heard concerning the impact of the alleged crimes;
- iii) A list of proposed experts.

2. These lists are to be filed within the time limits set by Internal Rule 80(1) and (2) of the Rules. These time-limits shall start to run from Friday 14 January 2011, being the date upon which the Trial Chamber greffiers were formally forwarded the Case File from the Pre-Trial Chamber. In view of translation constraints, which have been notified to the Chamber, these lists shall be filed at a minimum in Khmer and either English or French, but at the earliest practicable opportunity in all three languages. As applicable, they shall contain the following information concerning each proposed witness, Civil Party or expert:

- i) Full name, gender, date and place of birth;
- ii) Current address and/or contact details;

¹ Decision on Ieng Sary’s Appeal Against the Closing Order, 13 January 2011, D427/1/26; Decision on Ieng Thirith’s and Nuon Chea’s Appeals Against the Closing Order, 13 January 2011, D427/2/12; Decision on Khieu Samphan’s Appeal Against the Closing Order, 13 January 2011, D427/4/14; and Decision on Ieng Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 13 January 2011, D427/5/9.



- iii) Document reference number of the relevant written record of interview or of any other relevant document;
- iv) Any applicable existing protective measures and reference to the relevant decision providing for such measures;
- v) A statement of any relationship referred to in Rule 24(2);
- vi) The estimated length of time required to testify;
- vii) The language of the proposed testimony; and
- viii) Where relevant, the type of oath to be taken.

3. These lists of proposed witnesses, Civil Parties, and experts shall be filed as “confidential” pending a final determination of their classification by the Trial Chamber. The Trial Chamber will in due course transmit the lists to the Witnesses and Experts’ Support Unit for trial preparation purposes.

4. These lists shall be filed in a table format provided in the sample templates annexed to this Order. The Trial Chamber Greffiers shall provide the parties with Microsoft Word versions of these sample templates. Each filing Party shall in due course also provide Microsoft Word version of the lists to the Trial Chamber Greffiers for internal use by the Chamber.

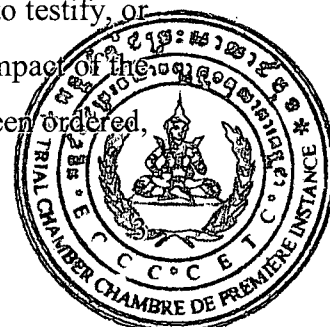
II. List of proposed new witnesses or Civil Parties who seek protective measures

5. Should there be any new witnesses or Civil Parties whom the parties intend to call **for whom protective measures will be sought**, requests for such measures shall be filed within the time limits set by Internal Rule 80(1) and (2), in all three languages. Pending a determination by the Chamber on these requests for protective measures, the lists will be filed marked “Strictly Confidential”. As applicable, the lists will also contain the information concerning each proposed witness or Civil Party as set out in paragraph 2 (i-viii) above. Following determination of the requests for protective measures, the Trial Chamber will provide a later opportunity for parties to comment on these lists.

III. Information required in relation to all proposed witnesses, Civil Parties and experts

6. In addition to their lists of witnesses, Civil Parties and experts, the Parties shall provide, no later than 23 February 2011:

- i) A summary of the facts on which each proposed witness is expected to testify, or on which each Civil Party is to be heard concerning the facts or the impact of the alleged crimes. Subject to any protective measures that might have been ordered,



or that are yet to be considered by the Trial Chamber, the summary should be sufficiently detailed to allow the Chamber and the other Parties to understand fully the nature and content of the proposed testimony;

- ii) A summary of the proposed expertise and qualification of each proposed expert. Subject to any protective measures that might have been ordered, the summary should be sufficiently detailed to allow the Chamber and the other Parties to understand fully the nature and content of the proposed expertise; and
- iii) The points of the Indictment to which each proposed witness, Civil Party or expert is expected to testify, including, where possible, the exact paragraph/s of the Closing Order and the specific count/s. A template format for these summaries, enabling clear specification of the alleged linkage between the proposed testimony of Witnesses, Experts and Civil Parties to various evidentiary issues at trial, is appended to this Order for illustrative purposes. Each filing Party shall also provide Microsoft Word versions of this chart to the Trial Chamber Greffiers for internal use by the Chamber. The Chamber also provides a list of evidentiary issues (“List of Evidentiary Issues”), as indicated by the Closing Order, in order to assist the Parties in their presentation of the requested material. This list is not intended as a final indication of the topics that will be canvassed at trial but is intended as guidance to the Parties for case preparation purposes.

7. This material shall be filed as “confidential” pending a final determination of its classification by the Trial Chamber.

8. Subject to II above, by no later than 28 February 2011, the Parties shall provide an indication of whether each Party intends to object to the calling of any proposed witnesses or experts and why. The Trial Chamber will consider whether to seek specific additional submissions from the objecting Party at a later stage.

IV. List of uncontested facts, including those adjudicated by the Chamber in Case 001

9. The Co-Prosecutors and each Defence team shall file their joint list of uncontested facts pursuant to Rule 80(3)(e) no later than 25 March 2011. Each Party shall also indicate whether these agreed facts will have an impact on their respective proposed Witness and Expert Lists and whether any proposed witness or expert is consequently withdrawn.



10. The Co-Prosecutors and the Defence shall continue to co-operate on a regular basis and promptly report to the Trial Chamber on any fact or evidentiary issue which the Parties subsequently acknowledge to be uncontested.

11. The Chamber has further indicated, within the List of Evidentiary Issues, a number of issues which it may, with the agreement of the Co-Prosecutors and the Defence, consider as accepted, as they concern issues of a background, contextual nature which were adjudicated by the Chamber in the course of trial in Case 001.

V. Lists of Documents and Exhibits

12. The Parties shall also provide no later than 13 April 2011:

- i) A list of the documents already in the Case File they intend to put before the Chamber, appropriately identified by their document reference number, title, available language/s and, if available, a brief description of their nature and contents;
- ii) A list of the new documents they intend to put before the Chamber, containing a brief description of their nature and contents; and
- iii) A “Documentary Evidentiary Chart” which indicates, for each relevant evidentiary topic, the documentary evidence upon which the party will rely with regards to the allegations contained in the Closing Order.

13. This material shall be filed as “confidential” pending a final determination of its classification by the Trial Chamber and in a table format illustrated by the sample templates annexed to this Order. Each filing Party shall also provide Microsoft Word versions of this material to the Trial Chamber Greffiers for internal use by the Chamber.

14. The Parties shall provide, no later than 13 April 2011, a list of exhibits they intend to offer in the case, containing a brief description of their nature and contents as well as their document reference number. This list shall be filed as “confidential” pending a final determination of its classification by the Trial Chamber. The list shall be filed in a table format in accordance with the sample template annexed to this Order. Each filing Party shall also provide Microsoft Word version of the list to the Trial Chamber Greffiers for internal use by the Chamber.



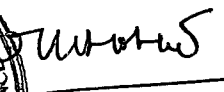
VI. Indication of legal issues in advance of the Initial Hearing.

15. The Parties shall provide no later than 13 April 2011 an indication of any legal issues they intend to raise at the Initial Hearing.



Phnom Penh, 17 January 2011
President of the Trial Chamber




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