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du dossier: *Rataneak*

E141/1

សាធារណៈ / Public

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

TRIAL CHAMBER

សាធារណៈ / Public

TO: Wendy LOBWEIN, Chief, Witness/ Expert Support Unit (WESU) Date: 24 November 2011

FROM: Susan LAMB, Trial Chamber Senior Legal Officer



CC: All Trial Chamber Judges; all parties, Case 002

SUBJECT: Provision of prior statements to witnesses in advance of testimony at trial

As indicated in a memorandum to the parties of 18 November 2011 (E141), the Trial Chamber has recently indicated that the efficiency of trial proceedings may be enhanced if prior to their testimony, witnesses are given the opportunity to refresh their memories by reviewing their prior statements. WESU shall be provided with the prior statements of each witness so that witnesses may review them in advance of their testimony. The purpose of this memorandum is to provide guidelines to you regarding the scope and purpose of this task, and to ensure maximum transparency to the parties.

This initiative is intended to avoid a waste of valuable in-court time should witnesses, before answering questions in court, need to re-acquaint themselves with their prior statements or attest that they made these statements (for instance, by verifying their signatures or thumbprints). The Chamber considered that witnesses could be provided with an opportunity to read their prior statements as part of WESU's usual efforts to familiarize and orient them within the courtroom environment in advance of their testimony.

The Chamber will provide WESU with copies of the relevant prior statements shortly before the witness' expected arrival at the ECCC. WESU is to provide a copy of each witness' prior statements and allow time for these statements to be read. Once witnesses have had an opportunity to read their statement, the statement should be retained and destroyed by WESU to prevent the inadvertent disclosure of confidential information, or allegations of witness collusion. WESU should not respond to any question posed by witnesses regarding the contents of their statement or attempt to provide any commentary on the statement. If a witness is illiterate or otherwise unable to read the statement, WESU may, however, read this statement to them, again without comment.

Should issues be identified by witnesses or WESU during this exercise, please advise the Senior Legal Officer so that the Chamber and the parties may be advised as appropriate.

The Chamber relies on the Lead Co-Lawyers to ensure that Civil Parties, in the interests of the expeditiousness of proceedings, limit the information they provide to the Chamber to that which is relevant to Case 002/01 and are otherwise prepared for trial. Therefore, no direct role for WESU in relation to Civil Party applications or other prior Civil Party statements is envisaged.

Following the Chamber's Severance Order, directions to guide the scope of expert testimony may be provided by the Trial Chamber to specific experts, through WESU, where this is considered necessary during Case 002/01.