



practice of providing the witnesses with prior statements but now argues that specific circumstances justify a deviation of the settled practice with regard to the four witnesses (E292/2, paras. 7, 11).

5. The Trial Chamber notes that the arguments of the Defence do not identify any cogent reasons why the circumstances in fact differ from other witnesses. The fact that the witnesses may testify on the responsibility of the Accused for the events in question is not different from that of other witnesses who have testified, whether as to the facts, or the Accused's responsibility in connection to other events, and who had the benefit of refreshing their memory before testifying. Moreover, the Chamber's practice of allowing witnesses the opportunity to refresh their memory by reviewing their previous statements was specifically not excluded for any witnesses who provide linkage evidence to the accused's responsibility. This issue was considered by the Chamber and it does not therefore consider it necessary to deviate from its settled practice.

6. Nor is the Chamber convinced that possible contradictions and conflicting accounts warrant a departure from the settled practice, as this applies also to other witnesses. The previous practice of providing witnesses with a copy of their prior statement(s) shall therefore remain unchanged. Accordingly, the Trial Chamber denies the request of the NUON Chea Defence.

7. The Chamber further confirms its previous guidelines, and that the Witness/Expert Support Unit (WESU) is to provide a witness with a copy of their prior statement(s) in order to refresh their testimony prior to testifying. However, other than for the purposes of locating, identifying or confirming the identity of any of the additional witnesses sought by the parties in light of the Trial Management Meeting of 13 June 2013, WESU is not to provide any of those witnesses with any additional information or documentation prior to a witness's testimony.

8. This constitutes the Chamber's official response to E292/2.