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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Extraordinary Chambers in the Courts of Cambodia
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Nation Religion Roi
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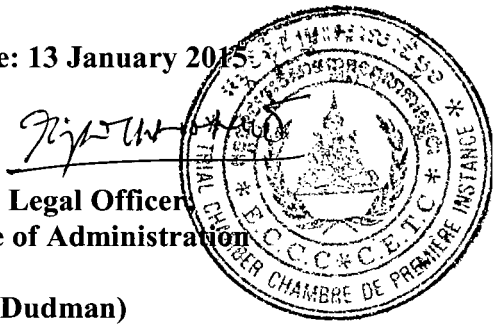
TRIAL CHAMBER

TO: All Parties, Case 002/02 **Date:** 13 January 2015

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer; Witness and Expert Support Unit (WESU); Office of Administration

SUBJECT: Request for Video-Link for 2-TCW-923 (Richard Dudman)



1. The Trial Chamber is seized of the NUON Chea Defence's request to expedite the hearing of Richard Dudman's testimony due to his age (96 years old), and if necessary to hear his testimony by video-link. The Co-Prosecutors and Civil Parties make no objection to expediting his testimony or to hearing him by video-link (T. 30 July 2014, p. 46, 51, 54). The KHIEU Samphan Defence did not respond.
2. According to Internal Rule 26, the testimony of a witness or expert during trial shall be given in person, whenever possible. However, the Chamber may allow testimony by means of audio or video technology, provided that such technology permits the witness to be interviewed by the Chamber and the parties at the time the witness so testifies (Internal Rule 26(1)).
3. The decision of whether to grant video-link testimony is a matter within the broad discretion of the Trial Chamber. It is for the Chamber to assess the needs of the individual if exceptional measures are proposed. The Trial Chamber has held that testimony by video-link may generally be granted where circumstances require (E166/1/4) and has previously granted video-link testimony where medical issues rendered the witness unable to travel (E1/151; E236/1/4/3).
4. On 19 September 2014, the Trial Chamber, through the Senior Legal Officer, informed the parties that it was making attempts to contact Mr. Dudman to ascertain his availability. Mr. Dudman has now confirmed his availability to testify, but only via video-link. The Chamber is in receipt of a medical note from Dr. Sufana Alkhunaizi which confirms this, indicating that traveling to Cambodia to testify may be detrimental to Mr. Dudman due to his age and health circumstances (E334.1).

5. None of the parties alleges, and the Chamber does not find, that the use of video-link technology in these circumstances is seriously prejudicial to or inconsistent with defence rights (Internal Rule 26(1)).

6. The Chamber therefore considers it appropriate to hear Mr. Dudman's testimony by video-link during the early stages of this trial and requests WESU to make all necessary arrangements with the relevant authorities for Mr. Dudman's testimony to take place the first week of February 2015.

7. Having taken into account the time difference (12 hours), the witness' age and the preferences expressed by the witness, the Chamber will hear the witness from 8:00 am until 10:00 am, in the main court room. On each day, following Mr. Dudman's testimony, there will be a break, then the hearings will resume with another witness or civil party until 3:00 pm. The lunch break will be from 12:00 pm to 1:30 pm.