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du dossier: **SANN RADA** Kingdom of Cambodia

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

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

សាធារណៈ / Public

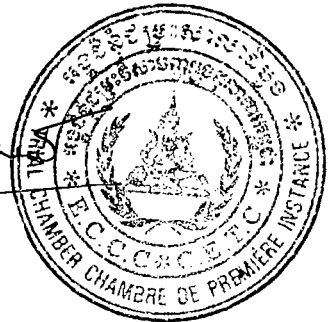
TRIAL CHAMBER

TO: All Parties, Case 002 **Date:** 18 May 2016

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Decision on 2-TCW-812



1. The Trial Chamber selected 2-TCW-812 to testify in Case 002/02 in relation to the trial topic of internal purges. The Chamber is unable to secure the appearance of 2-TCW-812 before the ECCC and hereby notifies the Parties of its decision to cease its efforts to summon this individual.
2. On 8 May 2014, the NUON Chea Defence proposed witness 2-TCW-812 to give testimony on a number of subjects, including internal purges (E305/04.2, p. 1). The NUON Chea Defence did not have the contact details of the proposed Witness, but indicated that Mr. Stephen Heder might be able to provide further information on the Witness's whereabouts (E305/4.1, p. 1).
3. On 8 April 2016, the Chamber informed the Parties that it had selected 2-TCW-812, but that WESU had not yet been able to locate him and that the Chamber would notify the Parties when further information was available (Email from Senior Legal Officer of 8 April 2016). On 6 May 2016, WESU filed a report with the Chamber detailing the attempts made to contact and secure the appearance of this witness (E29/486). The Chamber notes that WESU was unable to glean leads on the whereabouts of the Witness from the documents available on the Case File (D210/7 and E3/514). WESU consulted with OCIJ staff who provided unsupported information that the Witness was likely deceased. It also contacted Mr. Heder who, as indicated by the NUON Chea Defence, conducted the interview with 2-TCW-812 (See E305/4.1, p. 1; D210/7). Mr. Heder advised WESU via email on 26 April 2016 that he did not have contact details for the Witness. Mr. Heder further advised that he had also heard that 2-TCW-812 had died "quite a while back" (E29/486).
4. The Chamber considers that all reasonable efforts have been made to obtain information about the Witness. The Chamber notes that it has been unable to ascertain any information about the Witness' whereabouts, or his health or even whether he is living or deceased. Any further investigation is unlikely to provide more details in a reasonable time. The Chamber therefore finds that it is not possible to obtain the testimony of 2-TCW-812 and decides to cease its efforts to summon him at this time.