

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC

Party Filing: Civil Party Lead Co-Lawyers

Filed to: Trial Chamber

Original Language: English

Date of Document: 7 August 2015

CLASSIFICATION

Classification of the document:

PUBLIC with one confidential annex

suggested by the filing party:

សាធារណៈ/Public

Classification by Chamber:

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**LEAD CO-LAWYERS' LIST OF THE CIVIL PARTIES TO TESTIFY DURING THE
HEARINGS ON SUFFERING RELEVANT TO THE SECOND SEGMENT (WITH
CONFIDENTIAL ANNEX)**

Filed by:

Civil Party Lead Co-Lawyers

PICH Ang
Marie GUIRAUD

Co-Lawyers for Civil Parties

CHET Vanly
HONG Kim Suon
KIM Mengkhy
LOR Chunthy
MOCH Sovannary
SIN Soworn
SAM Sokong

Before:

Trial Chamber

Judge NIL Nonn, President
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara
Judge Claudia FENZ

Distribution to:

Office of the Co-Prosecutors

CHEA Leang
Nicholas KOUMJIAN

VEN Pov
TY Srinna
Laure DESFORGES
Ferdinand DJAMMEN NZEPA
Elodie DULAC
Isabelle DURAND
Françoise GAUTRY
Emmanuel JACOMY
Martine JACQUIN
Yiqiang Y. LIU
Daniel LOSQ
Christine MARTINEAU
Lyma NGUYEN
Mahesh RAI
Nushin SARKARATI

The Accused

KHIEU Samphan
NUON Chea

Co-Lawyers for the Defence

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ
Arthur VERCKEN

Standby Counsel

TOUCH Voleak
Calvin SAUNDERS

Co-Lawyers for Civil Parties

Olivier BAHUGNE
Patrick BAUDOUIN
Beini Ye

I. INTRODUCTION

1. Pursuant to E315/1 and the Trial Chamber's directive of 2 June 2015¹ relating to the Hearings on Harm Suffered by the Civil Parties in Case 002/02, the Lead Co-Lawyers for the Civil Parties ("Lead Co-Lawyers") hereby communicate to the Trial Chamber its proposed schedule and selection of Civil Parties in order to advance the planning for the conclusion of the current segment.

II. PROCEDURAL BACKGROUND

2. Continuing with the established practice, the Trial Chamber notified the parties that following the holding of a Key Document Presentation Hearing at the end of each segment, the Chamber would allocate two days to hear Civil Parties on the harm they suffered during the Democratic Kampuchea period.²
3. The Trial Chamber directed the Lead Co-Lawyers to provide a prioritized list of Civil Parties to be heard on the harm they suffered during the Democratic Kampuchea period, primarily relevant to the Second Segment concerning Worksites by 31 July 2015.³

III. DISCUSSION

4. The Lead Co-Lawyers, in collaboration with the Civil Party Lawyers, have conducted a thorough review of civil parties who are primarily relevant to the Second Segment have arrived at a finalized list of individuals they wish to have heard during the upcoming hearings on harm suffered.
5. All of the proposed Civil Parties have suffered as direct or indirect victims of the crimes that they will speak about. Moreover, all of the proposed Civil Parties were admitted by the Office of the Co-Investigative Judge on the basis of having suffered harm at one of the three worksites included within the Second Segment.

¹ Email by Senior Legal Officer to parties re Key Document Hearings and Hearings on Suffering, 2 June 2015. *See also* Email by Senior Legal Officer to parties re Next Witnesses – notice to parties, 20 July 2015.

² Trial Chamber Memorandum entitled: Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02, E315/1, 17 December 2014, paras 7-9.

³ Email by Senior Legal Officer to parties re Key Document Hearings and Hearings on Suffering, 2 June 2015. *See also* Email by Senior Legal Officer to parties re Next Witnesses – notice to parties, 20 July 2015.

6. The Lead Co-Lawyers propose a schedule for these two days of hearings, the details of which are contained in Annex I to this motion (“Provisional and Proposed Schedule”).⁴ The Proposed Schedule is based on a four hour and ten minute hearing estimate per day.⁵
7. The Lead Co-Lawyers add that the purpose of these hearings is to provide a forum for civil parties to express their suffering as victims and the impact of the harm suffered during the Democratic Kampuchea period. Inevitably, the harm and the suffering undergone during this period are related to facts within the scope of Case 002/02 and are necessarily described during such hearings.
8. The Lead Co-Lawyers understand that should these facts be challenged by other parties, appropriate time must be made available for their examination keeping in mind the interest of the Chamber in ascertainment of the truth, the fair trial rights of the Accused and the balance of rights of all parties. At the same time, for such hearings to remain relevant, it is vital that Civil Parties are able to conclude their testimony on harm completely within the time allotted to them and that this is not compromised by potential objections by the parties.
9. Further, to allay the concerns surrounding the impact hearings of the segment on Tram Kok Cooperatives and Kraing Ta Chan Security Centre and taking note of the fact that the Trial Chamber will provide no additional time for the questioning of Civil Parties by other parties,⁶ the Lead Co-Lawyers have incorporated within the Proposed Schedule more time for the parties in the projected time-frame apportioned per Civil Party.
10. In addition, the Lead Co-Lawyers anticipate that such extra time would reconcile the primary purpose of these hearings with the balance of rights of all parties. This will also allow the Chamber to consider granting the parties an opportunity to question the

⁴ Annex I, Proposed Schedule for the Hearings on Harm Suffered by the Civil Parties.

⁵ The four hours is proposed for the examination of the civil parties does not take into account the two breaks to take place as normal.

⁶ Email by Senior Legal Officer to parties re Key Document Hearings and Hearings on Suffering, 2 June 2015.


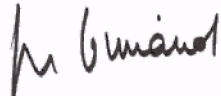
Civil Parties in the interest of justice if new facts or allegations against the Accused are raised.⁷

IV. REQUEST

11. In light of the above, Civil Parties respectfully request that the Trial Chamber approve the Proposed Schedule and, accordingly:

- a) call the Civil Parties named in and in accordance with the Provisional and Proposed Schedule and;
- b) direct Witnesses/Experts Support Unit to begin preparations for the testimony of the proposed Civil Parties in accordance with the Proposed Schedule.

Respectfully submitted,

Date	Name	Place	Signature
7 August 2015	PICH ANG Lead Co-Lawyer	Phnom Penh	
	Marie GUIRAUD Lead Co-Lawyer	Phnom Penh	

⁷ See Trial Chamber Memorandum entitled: Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02, E315/1, 17 December 2014, para. 8: “[i]n the event that Civil Party statements on suffering introduce new facts or allegations against the Accused which have not been subject to adversarial debate, the Chamber may consider it to be in the interests of justice to allow the parties an opportunity to question the relevant Civil Party in relation to those allegations.”