

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

FILING DETAILS

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**Indication of Documents Relevant to the Early Trial Segments
from the defence of Madame Ieng Thirith**

Defence for Ieng Thirith:

PHAT Pouv Seang
Diana ELLIS, QC

Trial Chamber Judges:

NIL Nonn, President
Silvia CARTWRIGHT
THOU Mony
Jean-Marc LAVERGNE
Ya SOKHAN

Civil Party Co-Lead Lawyers:

PICH Ang
Elisabeth SIMONNEAU FORT

Co-Prosecutors:

CHEA Leang
Andrew CAYLEY

1. At the Trial Management Meeting of 5 April 2011, the Trial Chamber informed the parties of its intention to commence the hearing of the substantive evidence with consideration of four areas, namely:
 - (1) the structure of Democratic Kampuchea (**DK**);
 - (2) the role of each Accused during the period prior to the establishment of DK, including when these roles were assigned;
 - (3) the role of each Accused in the DK government, their assigned responsibilities, the extent of their authority and the lines of communication throughout the temporal period with which the ECCC is concerned;
 - (4) policies of DK on the issues raised in the Indictment.¹

2. On 27 June 2011, the Trial Chamber requested the parties to the proceedings to indicate no later than Friday 22 June 2011² which documents and exhibits from their earlier list of documents and exhibits they considered to be relevant to the first four trial segments.

3. The defence for Madame Ieng Thirith (**Accused**) hereby provides the Trial Chamber, in its **Annex A**, with an indication of those documents that the defence considers relevant to the first four trial segments.

4. The defence reiterates that it is currently not able to take instructions from the Accused. The selection of documents is, therefore, made by the defence acting on behalf of the Accused. The defence respectfully seeks to ensure that it reserves its right to add documents to this list, if the circumstances change and the Accused is able to instruct her defence at a future date and is able to participate actively in the proper preparation of her defence. If such a situation arises then other relevant material may be revealed.

¹ Trial Chamber, Transcript of the Trial Management Meeting, 5 April 2011, Document No. E1/2.1, p. 52.

² TC, Transcript of 27 June 2011, Document No. E1/4.1, p. 25.



5. If the Co-Prosecutors intend to submit into evidence 'witness statements' against the Accused made before the Co-Investigating Judges, the defence contends that those witnesses should be called to testify to provide an opportunity for the defence to exercise its right to examine such witnesses pursuant to Internal Rule 84.
6. The defence again respectfully reminds the Trial Chamber that it has not authenticated the documents on its earlier List of Documents filed on 19 April 2011, nor it is in a position to do so. The defence reserves the rights to challenge the authenticity of all documents put into evidence before the Chamber. It is fundamental to a fair trial that the provenance of each and every document sought to be relied upon by the Trial Chamber is properly identified so that its authenticity is confirmed. Where the provenance of a document cannot be demonstrated by the party seeking to rely on it, the said document should not be admitted into evidence. It is not a document that has any evidential weight. In such circumstances, it cannot be relied upon as a genuine document.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	22 July 2011	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	