



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Case 002/19-09-2007/ECCC/TC

### INTEROFFICE MEMORANDUM

TO: Susan Lamb Date: 13 June 2012  
Senior Legal Officer, ECCC Trial Chamber

FROM: Leang Chea and William Smith  
Co-Prosecutors Deputy Co-Prosecutor

CC: Trial Chamber, all parties in Case 002

SUBJECT: Response to Ieng Sary Request Concerning Material Experts use in  
Preparation for their Testimonies dated 11 June 2012

Dear Ms Lamb

The Co-Prosecutors do not object in principle to the request from Ieng Sary's Co-lawyers regarding expert preparation. We agree that it will assist all Parties to have some advance notice of the source documents that may be considered by the experts in their preparation prior to them giving testimony. We also note that as these witnesses are experts their testimony will inevitably draw from a wide source of materials and knowledge, all of which it would not be possible to list.

We have provided lists of topics for the experts and have referred to specific books and chapters of those books written by them in some cases. The Parties are, therefore, already on notice as to the issues to be covered. Nevertheless, we anticipate that experts may be reviewing some source material from their books and, subject to authorization from the Trial Chamber, material from Case File 002, but this is not inevitable.

Therefore we suggest that it be made clear to the expert that in order to testify it is not a requirement that he or she :

- (1) examine all source documents contained in their books or articles and
- (2) provide a list or material that he or she intends to indirectly refer to in their testimony.

Accordingly, the Co-Prosecutors have made some slight revisions to the letter drafted by Ieng Sary's Co-Lawyers to assist the Trial Chamber (**Annex A**) and requests that this revised letter be forwarded to the experts.

Yours Sincerely



## ANNEX A

June 2012

Address

Dear Expert

As you are aware, you will soon be called to give evidence in Case 002 at the Extraordinary Chambers in the Courts of Cambodia. We understand that the Witness and Expert Support Unit (WESU) has recently provided you with a list of topics on which you may be questioned by some parties.

We advise you that you are not obliged to examine documents, whether sourced in your books or articles you may have written, or otherwise.

However, if you decide of your own accord to do so, to promote transparency and to assist the parties in their preparation for your questioning, you are requested to:

- (1) make a list of those documents you have reviewed in your preparation or those documents you intend to rely on directly in your testimony. (For example, if you review material from selected foot-notes from your books, it would be helpful if you indicate which foot-notes you have considered); and
- (2) provide to WESU a copy of any list of documents reviewed and copies of those documents if you have access to them electronically one week in advance of your arrival at the ECCC.

If you refer to documents in your preparation that are not readily available in electronic format nor easily accessible in Cambodia, it would be of great assistance if you could please provide those documents to the Witness and Expert Support Unit on your arrival so they can be scanned and returned.

Sincerely,

Trial Chamber Judges / Trial Chamber Senior Legal Officer

