

**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 and Khmer

Date of Document: 1 August 2016

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' SUBMISSION OF THE LIST OF CIVIL PARTIES TO
TESTIFY DURING THE HEARINGS ON HARM SUFFERED (FOURTH
SEGMENT)**

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

Standby Counsel

TOUCH Voleak
Calvin SAUNDERS

Co-Lawyers for Civil Parties

Olivier BAHOUGNE
Patrick BAUDOUIN
Beini Ye

I. INTRODUCTION

1. Pursuant to E315/1 and the Trial Chamber's directive of 30 June 2016,¹ the Lead Co-Lawyers for the Civil Parties ("Lead Co-Lawyers") hereby communicate to the Trial Chamber their proposed schedule and selection of Civil Parties for the hearings on the harm suffered pertaining to the trial segment on Security Centres and Internal Purges (hereinafter, referred to collectively as the "Fourth Segment").

II. PROCEDURAL BACKGROUND

2. Continuing with the established practice, the Trial Chamber notifies 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

III. DISCUSSION

3. The Lead Co-Lawyers, in collaboration with the Civil Party Lawyers, having conducted a thorough review of civil parties who are primarily relevant to the Fourth Segment, have arrived at a list of individuals they wish to have heard during the upcoming hearings on harm suffered.
4. The Lead Co-Lawyers propose six Civil Parties to testify, one indirect victim from Phnom Kraol Security Center, four indirect victims from S-21 and one direct victim of the purge in the East Zone. One Civil Party proposes to testify via video-link from France and the remaining five are proposed to testify in person. The Lead Co-Lawyers propose a schedule for the two days of hearings, the details of which are contained in Annex A ("Provisional and Proposed Schedule").³ The Proposed Schedule is based on a four hour and twenty-five minute hearing estimate per day.⁴

¹ Email from Senior Legal Officer to the Parties titled Key Documents Presentation Hearing and Hearing on Harm Suffered by Civil Parties, 30 June 2016.

² Trial Chamber Memorandum, 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 Annex A, Proposed Schedule for the Hearings on Harm Suffered by the Civil Parties.

⁴ The four hours and twenty-five minutes proposed for the examination of the civil parties does not take into account the two breaks to take place as normal.

5. The Lead Co-Lawyers reiterate that the purpose of these hearings is to provide an opportunity 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 will also relate to facts within the scope of Case 002/02 and will necessarily be described during such hearings.
6. 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 the Civil Parties are able to conclude their testimony on harm within the time allotted to them and that this is not compromised by potential objections by the parties.
7. Taking note of the previous practice of the Trial Chamber that additional time for the questioning of Civil Parties by other parties may not be provided,⁵ the Lead Co-Lawyers have adopted the scheme similar to the impact hearings for the Second Segment and Third Segment.⁶
8. Lastly, the Lead Co-Lawyers request the admission into evidence the following documents which constitute “prior statements of witnesses who testify before it, pursuant to Internal Rule 87(3) and (4)”⁷ in the interests of ascertaining the truth as it would permit the parties and the Trial Chamber to conduct a complete assessment of their testimony:

⁵ See e.g., email by Senior Legal Officer to parties re Key Document Hearings and Hearings on Suffering, 2 June 2015.

⁶ See Annex I: Provisional and Proposed Schedule for the Hearings on Harm Suffered by the Civil Parties: Second Segment, **E315/1/3.1**, 7 August 2015; see also Lead Co-Lawyers’ List of the Civil Parties to Testify During the Hearings on Suffering Relevant to the Second Segment (with Confidential Annex), **E315/1/3**, 7 August 2015; and Lead Co-Lawyers’ Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Third Segment) and Request Pursuant to Rule 87(4) (with Confidential Annexes), **E315/1/4**, 10 February 2016.


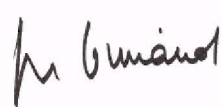
⁷ Trial Chamber Decision on International Co-Prosecutor’s Rule 87(4) Request to Admit into Evidence Two Documents Related to 2-TCW-850, **E417/1**, 11 July 2016, para. 2. See further, Trial Chamber Decision on International Co-Prosecutor’s Request to Admit Written Records of Interview Pursuant to Rule 87(3) & (4) and to Call Four Additional Witnesses for Upcoming Case 002/02 Segments, **E319/36/2**, 25 May 2016, para. 15; Trial Chamber Decision on Khieu Samphan’s Defence Motion Regarding Co-Prosecutors’ Disclosure Obligations, **E363/3**, 22 October 2015, para. 25.

- (i) D22/2732 Civil Party Application 09-VU-01527;⁸
- (ii) D22/289a Supplementary information of civil party applicant.⁹

IV. REQUEST

9. In light of the above, the Lead Co-Lawyers respectfully request that the Trial Chamber approve the Provisional and Proposed Schedule and, accordingly:
- a) call the civil parties named in Annex A and hear them in accordance with the Provisional and Proposed Schedule;
 - b) admit the two documents specified in paragraph 8; and
 - c) request the Witnesses/Experts Support Unit to begin preparations for the testimony of the proposed civil parties as per Annex A.

Respectfully submitted,

Date	Name	Place	Signature
1 August 2016	PICH ANG Lead Co-Lawyer	Phnom Penh	
	Marie GUIRAUD Lead Co-Lawyer	Phnom Penh	

⁸ KH ERN 00555871-00555880. Translation (KH-FR and KH-EN) has been requested.

⁹ KH ERN 00827035-00827035; EN ERN 00877327-00877330; FR ERN 00585894-00585896.