

**BEFORE THE TRIAL CHAMBER****EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/TC**Party Filing:** The Defence for IENG Sary**Filed to:** The Trial Chamber**Original language:** ENGLISH**Date of document:** 27 June 2012**CLASSIFICATION****Classification of the document suggested by the filing party:** PUBLIC**Classification by OCIJ or Chamber:** សាធារណៈ/Public**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**


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**IENG SARY'S RESPONSE TO THE CO-PROSECUTORS' REQUEST TO ADMIT  
WITNESS STATEMENTS RELEVANT TO PHASE 1 OF THE POPULATION  
MOVEMENT**

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**The Trial Chamber Judges:**  
Judge NIL Nonn  
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Judge Jean-Marc LAVERGNE  
Reserve Judge THOU Mony  
Reserve Judge Claudia FENZ

**Co-Prosecutors:**  
CHEA Leang  
Andrew CAYLEY

**All Defence Teams****All Civil Parties**

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby responds to the Co-Prosecutors’ Request to Admit Witness Statements Relevant to Phase 1 of the Population Movement (“OCP Request”).<sup>1</sup> This Response is made necessary in order to notify the Trial Chamber that the Defence intends to object to many of the witness statements put forward by the OCP on grounds of repetitiousness, lack of relevance, lack of reliability, or because they are not allowed under the law. It will do so once the OCP has complied with the Trial Chamber’s Directions and the Trial Chamber has scheduled the opportunity to submit objections. The OCP Request was notified to the parties one day prior to the Trial Chamber issuing its Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents Before the Trial Chamber.<sup>2</sup> Through this Decision, the Trial Chamber required all parties who intend to put witness statements before the Chamber to: **a.** review their document lists for compatibility with criteria for admission set out by the Trial Chamber; **b.** set out the evidentiary purpose for which each document or category of documents; **c.** consider proposing a representative sample rather than all requested documents; and **d.** provide this information by 27 July 2012 in order to permit the Trial Chamber to schedule hearings or otherwise allow the filing of objections.<sup>3</sup> The Trial Chamber stated that it “will in due course schedule a hearing or otherwise provide opportunity to put any relevant objections to the proposed evidence pursuant to Rule 87(3).”<sup>4</sup> The Defence requests sufficient time to prepare such objections once the OCP has submitted its list pursuant to the Trial Chamber’s Decision. Sufficient time is especially important in light of the fact that the OCP is likely to request the admission of hundreds of witness statements (considering that in the OCP Request alone, the admission of over 175 statements was requested) and the Defence, acting with due diligence, must review the audio recordings of these statements in order to identify any irregularities or inconsistencies between the audio recording and the summaries prepared by the OCIJ.

**WHEREFORE**, for all the reasons stated herein, the Defence respectfully requests the Trial Chamber to SCHEDULE sufficient opportunity for the Defence to object to the witness

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<sup>1</sup> Co-Prosecutors’ Request to Admit Witness Statements Relevant to Phase 1 of the Population Movement, 15 June 2012, E208.

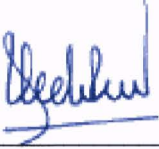
<sup>2</sup> Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents Before the Trial Chamber, 20 June 2012, E96/7.


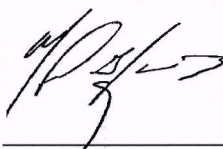
<sup>3</sup> *Id.*, para. 35.

<sup>4</sup> *Id.*, para. 36.

statements proposed by the OCP, once the OCP has complied with the Trial Chamber's Directions.

Respectfully submitted,

  
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ANG Udom

  
  
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Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 27<sup>th</sup> day of **June, 2012**