

the preliminary hearing, the preliminary hearing officers shall inform the accused of the general nature of each offense considered and otherwise afford the accused the same opportunity for representation, cross-examination, and presentation afforded during the preliminary hearing of any charged offense.

(3) If evidence adduced during the preliminary hearing indicates that the accused committed any uncharged covered offense and the preliminary hearing was not requested by special trial counsel, the preliminary hearing officer shall provide prompt notice to the convening authority and a special trial counsel and shall submit a copy of the preliminary hearing report to a special trial counsel.

(g) *Rights of the accused.* At any preliminary hearing under this rule the accused shall have the right to:

- (1) Be advised of the charges and uncharged misconduct under consideration;
- (2) Be represented by counsel;
- (3) Be informed of the purpose of the preliminary hearing;
- (4) Be informed of the right against self-incrimination under Article 31;
- (5) In accordance with the terms of R.C.M. 405(k)(4), be present throughout the taking of evidence;
- (6) Cross-examine witnesses on matters relevant to the issues for determination under R.C.M. 405(a);
- (7) Present matters relevant to the issues for determination under R.C.M. 405(a); and
- (8) Make a sworn or unsworn statement relevant to the issues for determination under R.C.M. 405(a).

(h) *Notice to and presence of victim.*

(1) For the purposes of this rule, a “victim” is an individual who is alleged to have suffered a direct physical, emotional, or pecuniary harm as a result of the commission of an offense under the UCMJ.

(2) A victim of an offense under the UCMJ or the victim’s counsel, if any, shall receive reasonable, accurate, and timely notice of a preliminary hearing relating to the alleged offense and a reasonable opportunity to confer with counsel for the Government.

(3) A victim has the right not to be excluded from any public proceeding of the preliminary hearing, except to the extent a similarly situated victim would be excluded at trial.

*(i) Notice, Production of Witnesses, and Production of Other Evidence.*

(1) *Notice.* Prior to any preliminary hearing under this rule, the parties shall, in accordance with timelines set by the preliminary hearing officer, provide to the preliminary hearing officer and the opposing party the following notices:

(A) Notice of the name and contact information for each witness the party intends to call at the preliminary hearing;

(B) Notice of any other evidence that the party intends to offer at the preliminary hearing; and

(C) Notice of any additional information the party intends to submit under R.C.M. 405(1).

*(2) Production of Witnesses.*

*(A) Military Witnesses.*

(i) Prior to the preliminary hearing, defense counsel shall provide to counsel for the Government the names of proposed military witnesses whom the accused requests that the Government produce to testify at the preliminary hearing, and the requested