



ឯកសារដើម
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..... SACNN RANA

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

TRIAL CHAMBER

TO: All Parties, Case 002

FROM: NIL Nonn, President, Trial Chamber;

CC: All Judges of the Trial Chamber; Trial Chamber Senior Legal Officer

SUBJECT: Revised Schedule for Forthcoming Document Hearings (commencing Monday 21 January 2013)



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1. On 19 October 2012, the Trial Chamber informed the parties that hearings would shortly be scheduled to enable adversarial challenge to all remaining documents at issue in Case 002/01 (E223/2). The Chamber also directed the parties to identify which documents (from their original document lists) they sought to tender in relation to the remaining trial segments, namely population movements and Toul Po Chrey, no later than 30 November 2012 (E223/2, paragraph 4). The Co-Prosecutors alone responded on 23 November 2012 by indicating documents they wished to tender in relation to population movements and Tuol Po Chrey (E223/2/1).

2. On 8 January 2013, the Chamber notified the parties that it envisaged holding this document hearing during the week of 18-21 February 2013 (E236/4). In view of the Chamber's current inability to proceed with the hearing of witnesses and experts, the Chamber advises that it will seek to bring forward the date of these hearings should the Chamber remain unable to hear evidence during the week commencing 21 January 2013 and requests the parties to resume immediate preparation for these hearings. Once receiving the information requested of the parties below, further directions as to the exact timing of the hearings will follow. The Chamber will also issue directions concerning related motions E223/2/1, E246 and E185/1/1 shortly.

i. Document Hearings

3. The first phase of the document hearings will concern all remaining documents and categories of documents sought by the parties in Case 002/01, but not yet subject to adversarial argument. The document hearings will commence with adversarial argument in relation to those documents cited in the Closing Order paragraphs relevant to Tuol Po Chrey and population movements (paragraphs 205-209, 698-711, 975-977, 1105-1113, 1191-1193, 1373, 1375, 1377, 1379-1381, 1387-1389, 1415-1418, 1423-1425). These hearings will also permit adversarial argument in relation to the remaining documents (unrelated to the population movements or Tuol Po Chrey) summarized for the benefit of

the parties in paragraph 5 of E223/2, which according to the Co-Prosecutors comprise 48 documents (E223/2/1.1). In addition, the Co-Prosecutors have at the same time sought to put before the Chamber 94 documents related to population movements phases one and two and Tuol Po Chrey (E223/2/1.2; E223/2/1.3 and E223/2/1.4). No other party has sought to tender documents for these additional phases within the indicated deadline.

4. The second phase of the document hearings will permit the parties to present documents they consider to be most relevant to ascertaining the truth in Case 002/01 with regard to all remaining factual segments of the trial in Case 002/01, namely movement of the population phases 1 and 2, Tuol Po Chrey, military Structures, JCE policies and the roles of the Accused.

5. The Trial Chamber is grateful for the Co-Prosecutors' indication, at paragraph 10 of E223/2/1, of its readiness to commence admissibility hearings during the week of 21 January 2013 relation to the remaining 48 documents identified above, population movements and Toul Po Chrey (E223/2/1.1 and E223/2/1.2). The Chamber would like to utilize this suggestion to commence on this date, and to expedite consideration of all above document matters to enable them to occur and conclude over the following weeks. It invites all parties to indicate, at the earliest opportunity, their readiness and desired time allocations for all above categories of document hearings and the earliest dates upon which each could commence.

6. Upon receiving confirmation from the Co-Prosecutors of their readiness to proceed with the above document hearings next week, and the requested indications from all parties, the Chamber will shortly communicate revised directions and a more detailed schedule for these hearings, should the Chamber be otherwise unable to sit during that week.

7. The Chamber is grateful to the Co-Prosecutors for their suggested commencement date for these document hearings in E223/2/1, and for the flexibility shown by all parties in enabling the remaining documentary hearings in Case 002/01 to commence and conclude as expeditiously as possible.

8. The Chamber is also currently exploring measures to bring forward the dates of the reassessment of the medical fitness of the Accused IENG Sary and NUON Chea by the court-appointed medical experts, currently scheduled for early March 2013. The parties will be advised once decisions are taken in this area.