

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA



FILING DETAILS

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**JOINT REQUEST BY THE CO-PROSECUTORS AND CIVIL PARTY LEAD
CO-LAWYERS REGARDING THE HEARING SCHEDULE IN CASE 002/02**

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REQUEST

1. On 10 December 2014, the Trial Chamber Senior Legal Officer communicated by email to the parties a list of 20 witnesses, civil parties and experts selected by the Trial Chamber to testify during the initial segment of the trial in Case 002/02 (Tram Kak Cooperatives and Kraing ta Chan Security Centre).¹ The email did not address the hearing schedule or the number of days per week the Trial Chamber contemplates sitting. In previous scheduling orders dated 19 September 2014² and 3 November 2014,³ the Trial Chamber found that the parties, and in particular Khieu Samphan's Defence, would benefit from a reduced hearing schedule while preparing appeal briefs and therefore decreased the number of sitting days from four to three and from three to two, respectively. Both defence appeal briefs are due by 29 December 2014 and the Trial Chamber has postponed the commencement of evidentiary hearings to 8 January 2015.⁴
2. The Co-Prosecutors and the Civil Party Co-Lead Lawyers request the Trial Chamber to fix the number of sitting days at four per week beginning on 8 January 2015. This request is justified by the necessity to respect the right of all parties to an expeditious conclusion of this very long-awaited trial for crimes committed during the 1975-1979 Democratic Kampuchea period. Further, more frequent sitting days will help to compensate for time lost because of the refusal of KHIEU Samphan and NUON Chea's Defence to attend court hearings in 2014.
3. The Co-Prosecutors emphasize that they will clearly be disadvantaged by the fact that during the first months of 2015, in addition to participating in trial, they will have to respond to two separate lengthy defence appeals, fulfill their disclosure obligations to the Trial Chamber and parties, and continue to monitor the increasingly active investigations in Cases 003 and 004. They further note that this contrasts with the defence teams that are writing their appeals free from any other tasks due to their defiance of court orders to begin evidentiary hearings this year.

¹ Email from Kenneth W. Roberts, SLO, to the parties, 10 December 2014 at 09:00 entitled "Witnesses, Civil Parties and Experts – Topic 1".

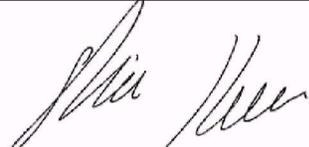
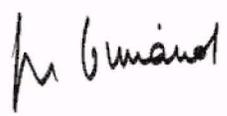
² **E316** Trial Chamber Scheduling Order for Hearing on the Substance in case 002/02, 19 September 2014.

³ **E322** Trial Chamber Scheduling Order for Evidentiary Proceedings, 3 November 2014.

⁴ **E1/246.1** Trial Chamber Transcript, 24 November 2014, at 09:15:40.

4. For their part, the Civil Party Lead Co-Lawyers highlight the fact that many of the civil parties are of an advanced age themselves and acutely aware that further delays risk that Case 002/02 may never be adjudicated.
5. Nonetheless, the Co-Prosecutors and Civil Party Co-Lead Lawyers consider that justice demands that the evidentiary hearings move forward as rapidly as possible in order to complete the trial within a reasonable time.
6. Therefore, the Co-Prosecutors and the Civil Party Co-Lead Lawyers respectfully request the Trial Chamber to fix the number of sitting days at four per week as of 8 January 2015.

Respectfully submitted,

| Date | Name | Place | Signature |
|------------------|---|--------------|---|
| 16 December 2014 | CHEA Leang Co-Prosecutor | Phnom Penh |  |
| 16 December 2014 | Nicholas KOUMJIAN Co-Prosecutor | Phnom Penh |  |
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