



**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ
Case File/Dossier No. 002/19-09-2007/ECCC/TC

Before: Judge NIL Nonn, President
Judge Jean-Marc LAVERGNE
Judge YA Sokhan
Judge Claudia FENZ
Judge YOU Ottara

Date: 17 December 2014
Original languages: Khmer/English/French
Classification: PUBLIC

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 17 / 12 / 2014
ម៉ោង (Time/Heure) : 10 : 30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:..... SANN RADA

SCHEDULING ORDER FOR EVIDENTIARY PROCEEDINGS

Co-Prosecutors
CHEA Leang
Nicolas KOUMJIAN

Accused
NUON Chea
KHIEU Samphan

Civil Party Lead Co-Lawyers
PICH Ang
Marie GUIRAUD

Lawyers for the Defence
SON Arun
Victor KOPPE
KONG Sam Onn
Arthur VERCKEN
Anta GUISSÉ

THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 002/19-09-2007-ECCC/TC pursuant to the Decisions on Appeal Against the Closing Order by IENG Sary, IENG Thirith, NUON Chea and KHIEU Samphan, rendered by the Pre-Trial Chamber on 13 January 2011;¹

NOTING the Trial Chamber’s Case 002/02 Scheduling Orders of 19 September 2014 and 3 November 2014;²

RECALLING that obstruction of the proceedings by counsel for KHIEU Samphan³ forced the Chamber to adjourn proceedings until 8 January 2015;⁴

NOTING the statement made by international Co-Counsel for KHIEU Samphan that the Defence would be ready to participate in Case 002/02 after the filing of KHIEU Samphan’s appeal brief against the Judgement in Case 002/01;⁵

NOTING KHIEU Samphan’s appeal brief is due on 29 December 2014;⁶

NOTING the Co-Prosecutors and Civil Party Lead Co-Lawyers’ joint request to fix the number of sitting days at four per week as of 8 January 2015;⁷

RECALLING the Chamber’s earlier finding that the parties would benefit from a reduced hearing schedule of three days per week while preparing appeal briefs, at least through December 2014;⁸

RECALLING the Chamber’s subsequent ruling further decreasing the number of sitting days to two days per week until the filing of the appeal brief in December 2014 in an attempt to

¹ Decision on IENG Sary’s Appeal Against the Closing Order, 13 January 2011, D427/1/26; Decision on IENG Thirith’s and NUON Chea’s Appeals Against the Closing Order, 13 January 2011, D427/2/12; Decision on KHIEU Samphan’s Appeal Against the Closing Order, 13 January 2011, D427/4/14; and Decision on IENG Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 13 January 2011, D427/5/9.

² Scheduling Order for Hearing on the Substance in Case 002/02, 19 September 2014, E316; Scheduling Order for Evidentiary Proceedings, 3 November 2014, E322.

³ Decision on the Appointment of Court Appointed Standby Counsel for KHIEU Samphan, 5 December 2014, E321/2, para. 13. For the full procedural history see Decision on the Appointment of Court Appointed Standby Counsel for KHIEU Samphan, 5 December 2014, E321/2, paras 1-12.

⁴ T. 24 November 2014, pp 3-4.

⁵ T. 28 October 2014, pp 24-25.

⁶ Decision on Motions for Extensions of Time and Page Limits for Appeal Briefs and Responses (SC), F9, 31 October 2014.

⁷ Joint Request by the Co-Prosecutors and Civil Party Lead Co-Lawyers Regarding the Hearing Schedule in Case 002/02, 16 December 2014, E322/1.

⁸ Scheduling Order for Hearing on the Substance in Case 002/02, 19 September 2014, E316.

balance the needs outlined by the KHIEU Samphan Defence with the right of the other parties to an expeditious trial;⁹

CONSIDERING that a reduced hearing schedule of two days per week will no longer be justified following the anticipated filing of KHIEU Samphan's appeal brief by 29 December 2014;

CONSIDERING that, in view of the age of each Accused, new fitness assessments would permit the Chamber to reassess the sitting schedule in light of up-to-date information;¹⁰

FINDING therefore appropriate to maintain a reduced schedule of three sitting days per week until the Chamber is able to consider such new fitness assessments;

RECALLING the Trial Chamber's Decision on Sequencing of Trial Proceedings in Case 002/02 and its decision to prioritise a hearing of evidence on the Tram Kok Cooperatives and Kraing Ta Chan Security Centre;¹¹

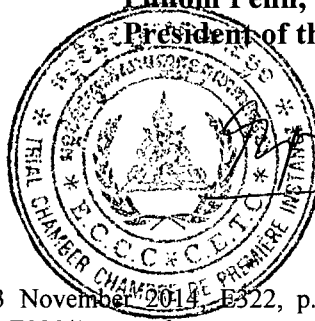
SCHEDULES the commencement and duration of the initial segment of the evidentiary proceedings in Case 002/02, from Thursday 8 January 2015;

ANNOUNCES that unless otherwise specified, the Chamber will sit three days each week, until a new fitness assessment of both Accused is completed, beginning each day at 9:00 am and ending at 4:00 pm with a lunch break from 12:00 pm to 1:30 pm and a morning and afternoon break as determined by the President;

NOTES that the parties have been informed by email of the updated order for the appearance of witnesses, experts and Civil Parties for the first trial topic (Annex I); and

ATTACHES a schedule for the evidentiary hearings in Case 002/02 for the beginning of 2015 (Annex II).

Phnom Penh, 17 December 2014
President of the Trial Chamber



Nil Nonn
Nil Nonn

⁹ Scheduling Order for Evidentiary Proceedings, 3 November 2014, E322, p. 2; Memorandum "Ruling following TMM of 28 October 2014", 31 October 2014, E320/1, para. 6.

¹⁰ See Scheduling Order for Hearing on the Substance in Case 002/02, 19 September 2014, E316, p. 3. See also Order Assigning Experts to Assess the Accused's Fitness to Stand Trial, forthcoming.

¹¹ Decision on Sequencing of Trial Proceedings in Case 002/02, 12 September 2014, E315.