

**BEFORE THE SUPREME COURT CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/SC  
**Filing Party:** Nuon Chea Defence Team  
**Filed To:** Supreme Court Chamber  
**Original Language:** English  
**Date of Document:** 4 June 2015



**CLASSIFICATION**

**Classification Suggested by the Filing Party:** PUBLIC  
**Classification of the Supreme Court Chamber:**  
**Classification Status:**  
**Review of Interim Classification:**  
**Records Officer Name:**  
**Signature:**

---

**NUON CHEA'S OBSERVATIONS ON THE HEARING SCHEDULE FOR THE  
EXAMINATION OF WITNESSES SCW-3, SCW-4 AND SCW-5**

---

**Filed By**

**Nuon Chea Defence Team:**  
 SON Arun  
 Victor KOPPE  
 PRUM Phalla  
 LIV Sovanna  
 Doreen CHEN  
 Xiaoyang NIE

**Distribution**

**Co-Lawyers for Khieu Samphân:**  
 KONG Sam Onn  
 Anta GUISSÉ  
 Arthur VERCKEN

**Co-Prosecutors:**  
 CHEA Leang  
 Nicholas KOUMJIAN

**Co-Lawyers for the Civil Parties:**  
 PICH Ang  
 Marie GUIRAUD

Pursuant to the Supreme Court Chamber's request for observations<sup>1</sup> and Rule 108(6), the Co-Lawyers for Mr. Nuon Chea (the "Defence") submit these observations on the timetable set for the examination of witnesses SCW-3, SCW-4 and SCW-5:

1. The Defence has requested the Supreme Court Chamber to summon several witnesses to testify in connection with the Defence's appeal of the Case 002/01 Judgement.<sup>2</sup> On 29 May 2015, the Chamber granted some of these requests, deciding to summon witnesses SCW-3, SCW-4 and SCW-5 while remaining seized of the Defence's remaining appeal witness requests.<sup>3</sup> On 2 June 2015, the Chamber ordered that hearings to examine these witnesses would be held on 2, 3, 6 and if necessary 7 July 2015, circulating a detailed timetable and inviting observations from the parties on that timetable.<sup>4</sup>
2. As a preliminary observation, the Defence notes that these hearings will be the parties' first appearance before the Supreme Court Chamber in Case 002/01. As such, the Defence anticipates that it may make more objections or requests for clarification than in a typical hearing before the Trial Chamber, and that the other parties may also do likewise. This is because procedural rules which are settled before the Trial Chamber will need to be established anew by the Supreme Court Chamber. The Defence makes no suggestions as the additional time that may be required to accommodate these objections and requests, this being properly a matter for the Chamber's discretion. Instead, the Defence simply indicates that its observations below as to the sufficiency of its time allocated for examining these witnesses treats that time allocation as net (i.e. exclusive) of any additional time required for such objections and requests.
3. The Chamber has allocated the Defence one hour to examine each of the three confirmed witnesses. The Defence considers this to be sufficient time to examine SCW-3 and SCW-4 but not SCW-5, since the Defence expects SCW-5 to be able to provide detailed testimony on several matters of critical importance to the Defence's

---

<sup>1</sup> **F24**, 'Order Scheduling a Hearing', 2 Jun 2015 ("Scheduling Order"), ERN 01102026.

<sup>2</sup> *See*, **F16**, 'Nuon Chea's Appeal Against the Case 002/01 Judgment', 29 Dec 2014 ("Appeal"); **F2**, 'Request to Obtain and Consider Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01', 1 Sep 2014; **F2/1**, 'Second Request to Consider Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01', 2 Sep 2014; and **F2/4**, 'Third Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01', 25 Nov 2014.

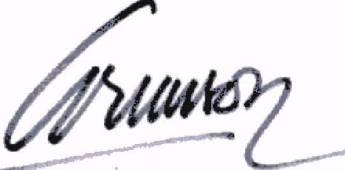
<sup>3</sup> **F2/5**, 'Decision on Part of Nuon Chea's Requests to Call Witnesses on Appeal', 29 May 2015, para. 26.

<sup>4</sup> **F24**, Scheduling Order; **F24.1**, 'Annex – Timetable for the Hearing', 2 Jun 2015.

appeal. Accordingly, the Defence requests that it be allotted two hours (net) for the examination of SCW-5.

4. Finally, the Defence reminds the Supreme Court Chamber that one of its grounds of appeal in Case 002/01 is that the Trial Chamber erred in law by “allowing all witnesses and civil parties to review their prior statements just before testifying”.<sup>5</sup> Accordingly, and pursuant to the Supreme Court Chamber’s prerogative to maintain good order and guarantee the free exercise of defence rights during proceedings,<sup>6</sup> the Defence requests that the Chamber prohibit the Witness and Expert Support Unit and any duty counsel who may be appointed from providing SCW-3, SCW-4 and SCW-5 with copies of their written records of interview prior to their appearance before the Chamber.

CO-LAWYERS FOR NUON CHEA



SON Arun



Victor KOPPE

---

<sup>5</sup> F16, Appeal, para. 135, and *see*, generally, paras. 135-146.

<sup>6</sup> *See*, Rules 85 and 104 *bis*.