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E421

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Kingdom of Cambodia
Nation Religion King
Extraordinary Chambers in the Courts of Cambodia
Royaume du Cambodge
Nation Religion Roi
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

TRIAL CHAMBER

TO: All Parties, Case 002
Date: 28 June 2016

FROM: NIL Nonn, President of the Trial Chamber

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

SUBJECT: Final Stages of Case 002/02 – Notice of Deadlines



1. The Trial Chamber takes this opportunity to inform the parties that it projects the completion of evidentiary proceedings in Case 002/02 by December 2016. With this target date in mind, the Chamber provides the following guidance on the final stages of the case.

2. **Civil Parties Harm Suffered Hearings:** The Chamber recalls that it has notified the parties of the list of individuals selected to testify on the Regulation of Marriage topic, including eight Civil Parties, two witnesses and two experts. Considering the large number of Civil Parties selected and that they will also have an opportunity to express their suffering, the Lead Co-Lawyers will be accorded one day (instead of two) for the Civil Parties harm suffered hearings on this topic. Only two other topics, the nature of the armed conflict and the role of the Accused, remain to be considered in Case 002/02 (E315). The Chamber considers that these latter topics do not lend themselves to hearings on the harm suffered by Civil Parties. Therefore, the Civil Parties harm suffered hearings on the Regulation of Marriage will be the final such hearings in Case 002/02 (E315/1, para. 7).

3. **Internal Rule 87(4) deadline:** The Chamber notes that the parties have filed Internal Rule 87(4) motions regarding new witnesses and documents throughout Case 002/02. The timeliness of these motions, and the due diligence of the party seeking the new evidence, are important considerations in determining whether such evidence should be permitted. As the Chamber approaches the close of the proceedings in Case 002/02, these considerations take on renewed significance because the parties must be given adequate notice of any evidence that may be important to their case and time to respond

to such evidence before the close of evidentiary proceedings. The Chamber considers accordingly that a deadline must be imposed for the requested admission of any new evidence in Case 002/02 and informs the Parties that all Internal Rule 87(4) motions in this case shall be filed on or before **1 September 2016**. The Chamber will nonetheless consider requests for new evidence made available after this deadline or for evidence which is exculpatory in nature (E363/3, paras 23-24).

4. **Character Evidence:** Any character witnesses to be heard in Case 002/02 will be scheduled after the final topic in the case (i.e. Role of the Accused). The Chamber recalls that the KHIEU Samphan Defence has not requested any character witnesses to be called in Case 002/02 (E305/5 *et seq*). The NUON Chea Defence has requested three character witnesses (2-TCW-831, 2-TCW-877, 2-TCW-962), though these witnesses have been requested on other topics as well (E305/4 *et seq*). A decision on these proposals will be issued in due course.

5. **Closing Briefs and Statements:** First, the Chamber informs the parties that it will request advanced briefing on the applicable law including (1) to supplement prior submissions based on any new legal developments and (2) to make submissions on any crimes or modes of liability that did not form part of Case 002/01. Briefing will be scheduled following the delivery of the Case 002/01 appeal judgement. Next, Closing Briefs will be due two months after the close of the hearing of evidence and Closing Statements shall follow one month thereafter. No written responses will be accepted. As in Case 002/01, the Closing Briefs shall be filed in one language. Parties are to rely on their internal multi-lingual capacities (E295/7/2, para. 4). However, parties will be afforded translation assistance from ITU between the filing of the briefs and the end of the Closing Statements (E295/4, para. 5). The Chamber will not await the full translation of briefs before hearing Closing Statements as this is likely to cause undue delay (E295/7/2). For ease of reference, footnotes shall be used by the parties (not endnotes). Further information on Closing Briefs, including page limits, and Closing Statements will follow in due course.