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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

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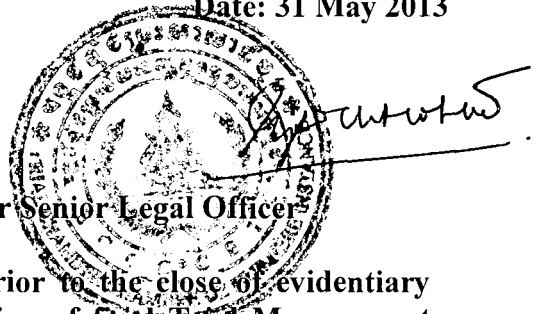
TRIAL CHAMBER

Date: 31 May 2013

TO: All parties, Case 002

FROM: President NIL Nonn, Trial Chamber

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



SUBJECT: Announcement of remaining hearings prior to the close of evidentiary proceedings in Case 002/01 and scheduling of final Trial Management Meeting for 13 June 2013

1. Following the renewed severance of Case 002 and disposition of the vast majority of motions filed by the parties over the course of the trial, the Chamber notifies the parties of the schedule for the final individuals to be heard before the Chamber and other hearings that will be held prior to the conclusion of Case 002/01.
2. The Trial Chamber will shortly issue its Final Decision on Witnesses, Experts and Civil Parties to be heard in Case 002/01, setting forth the basis upon which individuals were selected to be heard at trial, along with the few other remaining decisions that remain pending before it. Over the coming days, an annex linking all motions filed over the course of the trial in Case 002/01 and their corresponding decisions will be issued to the parties. The latter will include the projected dates on which the last remaining decisions still pending before the Chamber are likely to be rendered. As requested by the parties and as previously envisaged by the Trial Chamber, it also schedules a last Trial Management Meeting ("TMM") in Case 002/01, which will take place on 13 June 2013 at 09.00 a.m. in the ECCC main courtroom.
3. In advance of the TMM, all annexes to the Witness Decision will also be provided to the parties. These annexes comprise three lists. The first is of all individuals heard or who will be called at trial in Case 002/01. The second lists individuals sought by the parties to be called in Case 002/01 but not heard at trial and who are consequently rejected or deferred to future trials. The third list comprises all individuals included in the parties' initial Case 002 Rule 80 lists but who were not requested by any party to be heard in Case 002/01. Decisions regarding the individuals on this last list are deferred to future trials. The parties will be granted a last opportunity to raise any genuinely novel issue regarding these annexes and individuals identified therein at the TMM. The matters outlined in this memorandum will serve as the agenda for the TMM from the Trial Chamber's perspective, although the parties may raise any other relevant issue.

Final Witnesses, Civil Parties and Experts to be heard at trial

4. Apart from those witnesses, Civil Parties and experts who have already been scheduled to testify, the Chamber will hear the following individuals pursuant to Trial Chamber Decisions E236/5, E236/1/4/3 and E266/3. The Chamber has since been advised that Expert Stephen HEDER did not accept appointment as an expert before the Trial Chamber (E202/82/1). The Trial Chamber will however shortly summon him instead as a fact witness in relation to the numerous documents on the Case File authored by him.
5. Pursuant to the Co-Prosecutors' request (E286), the Chamber is also currently enquiring into the possibility of the recall of TCCP-186 and will advise the parties as soon as possible.
6. The Accused have recently confirmed that they will respond to questions by the Chamber and the parties pursuant to Internal Rule 90. This testimony will begin following the hearings scheduled below. The parties are asked to inform the Chamber by 9 a.m. on 07 June 2013 how much time each requires for this purpose. The Accused may also make a statement at the time of the Closing Statements pursuant to Internal Rule 94(1)(d).

<p>4, 5, 6, 7 June (3 June – ECCC Holiday)</p> <p>OCP = Co-Prosecutors Δ = Defence Teams CPs = Civil Parties</p>	<p>4 June Civil Parties – Victim Impact Hearing (cont'd)</p> <p>5, 6 June (morning sessions – Video Link) TCW-624 (OCP/CPs 0,5 days; Δ 0,5 days)</p> <p>5 June (afternoon session) TCE-12 (LCL 105 min.; OCP/Δ 45 min.)</p> <p>6 June (afternoon session) and 7 June TCW-742 (Δ 75 min.; OCP/CPs 75 min.) TCW-673 (Δ 75 min.; OCP/CPs 75 min.) TCW-665 (Δ 75 min.; OCP/CPs 75 min.)</p>
<p>10, 11, 12, 13 June</p>	<p>TCW-648 (OCP/CPs 0,5 days; Δ 0,5 days) XXXXXXXXXX (OCP/CPs 0,5 days; Δ 0,5 days) TCW-384 (OCP/CPs 0,5 days; Δ 0,5 days) Document Hearings</p>

Final Document Hearing

7. The Co-Prosecutors seek an opportunity to present key documents relevant to the role of NUON Chea and Joint Criminal Enterprise (E273, paragraph 11). The Chamber schedules a final key documents hearing, which will commence, at the earliest, during the week commencing 10 June 2013. The Chamber has noted the request of the Co-Prosecutors for a total of three days to present these documents and will advise the parties of the exact time allocations for this hearing shortly. The Chamber will also soon issue a reasoned, written decision on the admissibility of written statements, which takes account of the extensive submissions before it. Additional hearings on this issue are not contemplated.

Closing Briefs and Closing Statements

8. The Chamber has previously informed the parties that they will have 30 days to file Closing Briefs after the last day of the hearing of the evidence in Case 002/01, which will be announced by the President (E163/5/4). Page limits remain as notified in E163/5/4.

9. The Co-Prosecutors have asked the Chamber to reconsider this deadline and order that final briefs be filed 6 (six) weeks after the last day of trial (E273, paragraph 12). The parties have been on notice of this schedule since November 2012 and they have previously availed themselves of the opportunity to file closing briefs on the applicable law. The purpose of this deadline is to ensure the earliest possible filing of Closing Briefs, and to facilitate the timely preparation of the Case 002/01 verdict. In recognition of the demands this poses on the parties, the Chamber has on an exceptional basis permitted the parties to file, in the first instance, Closing Briefs in one official ECCC language alone. The Chamber therefore rejects the Co-Prosecutors' request.

10. In order to safeguard the timely conclusion of the Case 002/01 verdict and in accordance with Internal Rule 104(4), the Chamber will not defer the close of evidentiary proceedings in Case 002/01 pending resolution of the Co-Prosecutors' appeal of the second severance decision (E284), unless this is so ordered by the Supreme Court Chamber. Closing Statements will take place 30 days after the date upon which Closing Briefs are filed (E163/5/4). The Co-Prosecutors propose time allocations for the Closing Statements in Case 002/01 amounting to five days in total (E273.1). The Chamber considers that the Closing Statements should be a summary of their submissions or rebuttal of other parties' submissions, as the parties have the opportunity to present the bulk of their argument in written briefs. The Chamber allocates time for the Closing Statements as follows:

OCP: 3 days

CPs: 1 day

NC Defence: 2 days

KS Defence: 2 days

For the purposes of clarity, the Chamber will later advise the parties of the exact date on which Closing Briefs are due, as well as the scheduled dates for Closing Statements.