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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

MEMORANDUM – TRIAL CHAMBER

សាធារណៈ / Public

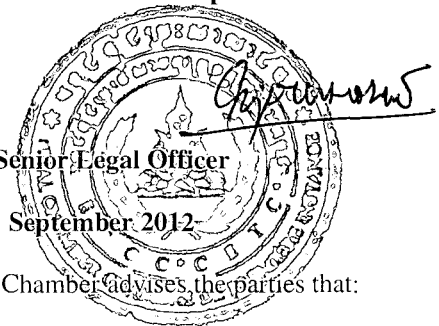
Date: 24 September 2012

TO: All parties, Case 002

FROM: NIL Nonn, President, Trial Chamber

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

SUBJECT: Directions to parties following hearing of 21 September 2012



Following the hearing of Friday 21 September 2012, the Trial Chamber advises the parties that:

1. The testimony of expert Philip SHORT, initially scheduled to commence on Monday 1 October 2012, has been deferred. The Chamber has also determined that the testimony of expert Elizabeth BECKER, currently scheduled for later in October 2012, shall also be deferred. Further directions regarding the hearing of both experts will follow in due course.
2. The Chamber will shortly send to Trial Chamber-appointed geriatrician Professor A. John CAMPBELL all medical reports received from the Khmer-Soviet Friendship Hospital since the Accused IENG Sary' hospitalization on 7 September 2012, in addition to the transcript of the 21 September 2012 hearing. The Chamber shall request Professor CAMPBELL to advise as to what further medical expertise is required in relation to the Accused IENG Sary, should this be necessary.
3. The Trial Chamber has scheduled the presentation on documents considered by each party to be most relevant to administrative (and if desired, related) structures for the week commencing Monday 8 October 2012 (see further below). The Co-Prosecutors have been allocated one and a half days for their presentation, and the Lead Co-Lawyers half a day. All Defence teams have been allocated two days for their presentations, on a time allocation to be agreed amongst all teams. The time allocated to the Defence includes opportunity for the Accused, where sought, to comment on any documents presented or previously put before the Chamber during this trial segment. As previously mentioned, the Accused IENG Sary will be given a later opportunity to examine any documents presented at this hearing, if requested. During these hearings, the Chamber may also present some documents relevant to these segments. The Chamber would be grateful if parties could compile a list of all documents they intend to present during these hearings and circulate them to the Chamber and other parties as soon as possible. Further hearings regarding documents will also soon be scheduled. Directions to the parties regarding these hearings will follow shortly.
4. Once the testimony of TCW-475 (scheduled to commence on 25 September 2012) concludes, the Chamber shall resume the testimony of those available witnesses and Civil Parties for whom the

IENG Sary Defence have issued a waiver. It will commence with a further administrative structures witness, TCW-320 on Monday 1 October 2012.

5. The Chamber advises the parties that the following individuals will ultimately be heard on the military structures trial segment:

TCW-428
TCW-754
TCW-100
TCW-110

6. As TCW-428 is included in the list of eight individuals for whom a waiver has been indicated by the IENG Sary Defence, this individual shall be heard after TCW-320. At the conclusion of TCW-428's testimony, the above document hearing (paragraph 3) will commence (on present estimates, on or around Monday 8 October 2012).

7. The Chamber would be grateful if the IENG Sary Defence would indicate whether they are prepared to issue a waiver also in relation to TCW-754, TCW-100 and TCW-110. Directions concerning the hearing of all remaining individuals on the above list will follow in due course.

8. In relation to the other individuals for whom the IENG Sary Defence has issued a waiver, the Chamber advises that TCCP-186 is currently unavailable and has therefore been deferred. The Chamber will also indicate in due course whether (and if so, when) the remaining four individuals for whom the IENG Sary Defence has previously issued a waiver will testify.

9. The Trial Chamber shall also very shortly communicate to the parties which individuals it will hear for the trial segments concerning population movement. Once this list is communicated, the IENG Sary Defence and Co-Prosecutors have agreed to consult and the IENG Sary Defence to indicate which of these individuals in respect of whom it would also be prepared to issue a waiver. Once those individuals subject to waiver are identified, the Chamber will then commence their testimony, on an order to be determined.