



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: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

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Before: Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

Date: 20 March 2009

Classification: PUBLIC

ឯកសារច្បាប់ចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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DIRECTION ON THE SCHEDULING OF THE TRIAL

Co-Prosecutors

CHEA Leang
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

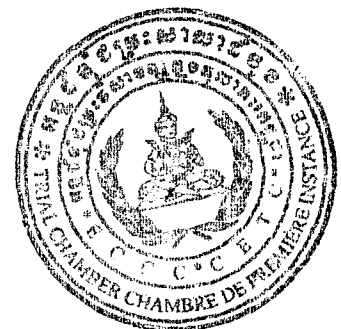
Lawyers for the Civil Parties

KONG Pisey
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YUNG Panith
KIM Mengkhy
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Lawyers for the Defence

KAR Savuth
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THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) refers to the Trial Chamber’s Order Scheduling the Start of the Substantive Hearing and Sitting Days for the First Three Months in Case No. 001/18-07-2007/ECCC/TC concerning the Accused **KAING Guek Eav** alias **DUCH**, dated 23 February 2009 (Document E15).

To allow effective preparation by the parties, the following information regarding the order of proceedings is provided:

1. **Opening:** the President will declare the substantive hearing open (Rule 89 bis(1)).
2. **Questions to the Accused:** the President will request the Accused to confirm his personal particulars and inform him of his rights under Rule 21(1)(d) (Rule 90).
3. **Factual Analysis and Counts:** the President will order the Greffier to read the factual analysis in the Indictment and the counts against the Accused (paragraphs 10 to 162 of the Closing order D99 including the amendments to paragraphs 152-153 in compliance with the PTC Decision D 99/3/42).
4. **Opening Statements:** the President will request the Co-Prosecutors to present their opening statement which will be restricted to comment on the charges (Rule 89 bis (2)) and Defence Counsel will be invited to respond, should they wish to do so at this stage.


Total time for the opening statement of the Co-Prosecutors is limited to **2 hours**, with the same time permitted for the Accused’s response, if any.

The Trial Chamber may interrupt the speaker, but only on limited grounds. The Trial Chamber will not accept challenges to opening statements by any person or party.

5. **Agreements on facts:**

The President will request the Co-Prosecutors and Defence Counsel to present agreed facts, if any.

Comments from Civil Parties will not be permitted.

6. **Requests:** any requests raised by the parties will be discussed at this stage. 



7. **Manner of Questioning:** the President will inform the parties regarding the manner of questioning of the Accused and witnesses as described below.

8. **Comments by the Accused:** the President will afford the Accused, if sought, a brief opportunity to comment on the charges against him . The President will warn him against self-incrimination. This opportunity is limited to a response to the charges. It is not the time for a detailed response.

There will be no questions from any of the parties at this time.

9. **Questioning of the Accused and hearing of witnesses, Civil Parties and experts:**

Sequence of questioning:

9.1 The Trial Chamber judges will question the Accused first and then in turn the relevant Civil Parties, witnesses, and experts, in the order it considers useful, topic by topic. The Chamber will endeavour to follow the sequence below:

- Issues relating to M-13,
- Establishment of S-21 and the Takmao prison,
- Implementation of CPK Policy at S-21,
- Armed conflict,
- Functioning of S-21 including Choeng Ek,
- Establishment and functioning of S-24,
- Issues relating to the character of the Accused.

Questioning of the Accused, Civil Parties, witnesses and experts: After the Accused has been questioned on a particular set of facts, the relevant Civil Parties, witnesses and experts will be heard on those facts. This order of questioning will be repeated in relation to each set of facts.

9.2 Questioning by the parties:

- The parties - namely, the Co-Prosecutors, Civil Parties, Defence Counsel in that order will be given an opportunity to ask additional questions after the bench has concluded its questioning of the Accused or a Civil Party, witness or expert with respect to each set of facts as set out above,
- No repetitive questions will be allowed,
- The Accused may be confronted with documents only after they have been put before the Chamber in accordance with Rule 87(2) and (3). The Accused cannot be



confronted with statements of witnesses yet to be heard. An exception to this is if the witness is dead or cannot be heard for another reason and the parties have agreed to the reading of the statement.

- The confrontation with statements of witnesses who will be heard at trial will be done during the testimony of that particular witness.

10. Presentation of other evidence

The Trial Chamber will hear evidence presented in accordance with Rule 87 (2 and 3) at the time it considers useful to hear such evidence.

11. Estimated Duration¹:

- Points 1-8 (30 March-1 April 2009)
- Questioning of the Accused on issues relating to M-13 (6-7 April 2009)
- Questioning of witnesses on issues relating to M-13 (starting with KW-32, KW-31 and KW-30, with TC1 to testify on 8 or 9 April)
- 13-16 April: trial recess
- Questioning of the Accused on issues relating to the establishment of S-21
- Questioning of Civil Parties, witnesses and experts relating to the establishment of S-21
- Questioning of the Accused relating to the implementation of the CPK Policy
- Questioning of Civil Parties, witnesses and experts relating to the implementation of the CPK Policy

Further information regarding the scheduling of the next segment of proceedings will be provided no later than 24 April 2009 .

12. Availability of lawyers: The Chamber expects that all lawyers will be adequately briefed and prepared to conduct proceedings on behalf of their respective clients. As long as one lawyer representing or defending each party is present, the proceedings will generally continue.

13. Live feed: As a general principle, live feed of the proceedings will be provided to the media, except where the Chamber orders otherwise. The parties are asked to exercise utmost ~~46~~

¹ Parties should be prepared to accommodate changes in the estimated timing of questioning of the Accused or witnesses. The trial schedule may require more or less time than indicated.



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care to avoid the disclosure of information that is confidential or contravenes personal privacy, such as information identifying any protected witnesses. ~~✗~~

Phnom Penh, 20 March 200

President of the Trial Chamber



Nil None